

## Chapter 5. Programmatic Environment



## **5. Programmatic and Regulatory Environment (Description of Federal, State, County, and Municipal Roles Affecting Nonpoint Source Pollution (NPS) Management)**

### **5.1 Federal**

The Clean Water Act 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 Clean Water Act (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.

Phase I of the USEPA's storm water program was promulgated in 1990 under the CWA. Phase I relies on National Pollution Discharge Elimination System (NPDES) 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.

The Storm Water Phase II Final Rule 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 storm water 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.

Section 404 of the CWA 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.

Also passed in 1972, the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) 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.

The Safe Drinking Water Act 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. 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.

In 1990 under the Authority of Section 6217(g) of the Coastal Zone Act Reauthorization Amendments (CZARA), the EPA issued *Guidance Specifying Management Measures for Sources of Nonpoint Pollution in Coastal Waters*. 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:

1. Agricultural runoff
2. Urban runoff
3. Forestry (silviculture) runoff
4. Marinas and recreational boating
5. 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.

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:

1. Watershed Approach – more effective means of planning and managing water resources compared to approaches based on political boundaries.
2. Stricter Standards – tighter controls and enforcement of NPS regulations as they relate to water quality at the federal and state levels.
3. 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.
4. 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.

The Natural Resource Conservation Service (NRCS) is the US Department of Agriculture's primary agency responsible for NPS prevention. The NRCS provides technical assistance through fact sheets, information bulletins, and other reports on agricultural best management practices.

The Environmental Quality Incentives Program (EQIP) is a USDA NRCS initiative authorized by the 1996 Farm Bill that provides farmers with technical, financial, and educational assistance to address soil, water, and natural resource concerns in an environmentally beneficial and cost-effective manner. A conservation plan is required to receive EQIP funding. EQIP addresses natural resource concerns through the implementation of structural, vegetative, and land use practices such as manure management facilities, abandoned well capping, tree planting, filter strips, nutrient, pest, and grazing management, and wildlife habitat protection and enhancement. Agricultural producers enter into five-to-ten year contracts with federal funding limited to \$10,000 per year with a maximum of \$50,000 for the total contract.

At this time, Cayuga County is the only county in the Cayuga Lake Watershed to receive EQIP funding. The three-year program is being overseen by the Cayuga County SWCD and exceeds \$800,000 in funding for individual contracts with 62 farms in the watershed. The emphasis of the program is on developing and implementing BMPs that reduce nutrient loading and sediment erosion. The Tompkins County SWCD is seeking EQIP funding for farms in the Fall Creek subwatershed. Other county SWCDs in the Cayuga Lake Watershed have applied for EQIP funding every year, but have yet to receive any moneys at this time.

The US Fish and Wildlife Service (USFWS) is partners in the National Wildlife Refuge System which protects wildlife (including rare and endangered species) and wetlands and other habitats from NPS. Additionally, the USFWS provides education programs to hunters and anglers on NPS pollution and assists farmers in preventing animals from accessing streams where their waste would contaminate water supplies.

These various programs and laws provide the foundation for states to develop, administer, regulate, and enforce programs that improve water quality by controlling NPS. At this time, it appears that the primary role of the federal

government as related to NPS is the development and availability of technical and financial assistance for reducing the associated impacts of NPS on water quality. Implementation and enforcement of measures designed to curb and control NPS are delegated to the states to administer as they see fit. The specific delegation of programs enabled by the above legislation to departments and agencies within New York State are discussed below.

## 5.2 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. This report 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.

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 NYSDEC has developed the New York State Unified Watershed Assessment Program. 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 are then ranked according to the level of impairments and targeted for improvement based on these rankings. Section 17-0301 of the New York Environmental Conservation Law (NYECL) establishes water quality standards and classifications of waterbodies in relation to these standards. 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. The NYSDEC also oversees implementation of the FIFRA and groundwater protection.

The State Environmental Quality Review Act (SEQRA) 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.

The New York Environmental Conservation Law (NYECL) contains several other 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. None of these sections apply exclusively to NPS, but NPS is considered to be in violation of all.

The Agricultural Environmental Management (AEM) program assists farmers in identifying environmental issues on their farms and implementing measures to maintain their economic viability while simultaneously protecting natural resources. AEM involves a five-tier process of on-on-one consultation between farmers, members of agricultural agencies, and representatives of agri-business at the local level. Agricultural agencies involved in AEM include SWCDs, NRCS, Cornell Cooperative Extension, and the Farm Service Agency. Farmers voluntarily enter into these partnerships and remain the primary decision-maker throughout the AEM process.

AEM is designed to provide a system for planning and implementing environmentally suitable farming practices through the following steps or tiers:

- Tier 1 – Farmers complete a survey that includes questions regarding current farm activities, future activities or plans, and areas of possible environmental concern. Where no concerns are identified, the AEM process ends and the farmer’s good stewardship is documented.
- Tier 2 – Areas for environmental concern identified in the Tier 1 survey are further detailed through the completion of a corresponding worksheet. Technical assistance in completing the worksheet is often provided by a local agricultural agency. Through the worksheet, the need for a management plan is determined. If the related environmental concerns can be easily remedied the farmer’s good stewardship is documented and the AEM process ends.
- Tier 3 – A plan to remedy the specific environmental concerns identified in Tiers 1 and 2 is developed and completed. The plan takes into account the economic concerns of the farmer as well as environmental concerns resulting from current agricultural processes. Existing waste management, nutrient management, and conservation plans may be included in the AEM plan.
- Tier 4 – The plan developed in Tier 3 is implemented through Best Management Practices (BMPs) to reduce nonpoint source pollution. Agricultural agency staff provide technical, educational, and (when available) financial assistance to farmers in implementing these BMPs.
- Tier 5 – On-going evaluation of the AEM program at the individual farm, county, watershed, and state level is conducted to insure that environmental concerns related to nonpoint source pollution and the economic viability of agriculture production are addressed.

The Cornell Cooperative Extensions throughout New York, NYS Agriculture and Markets, NYSDEC, NYSDOH, NYS Department of State, NYS Soil and Water Conservation Committee, County SWCDs, USDA NRCS, and US EPA developed the AEM tiered-approach.

In addition, the AEM program also addresses Animal Feeding Operations (AFOs). AFOs are agricultural operations where animals are raised and maintained in confined areas for 45 days or more in any 12-month period and where crops, vegetation, or other forage growths are not sustained over any portion of the lot or facility in a normal growing season. AFOs contribute to pollution through the carrying of nitrogen, phosphorus, pathogens, sediment, hormones, antibiotics, ammonia, and other harmful substances to water bodies.

AFOs are considered Concentrated Animal Feeding Operations (CAFOs) if they meet the standards of AFOs and there are more than 1,000 animals at the facility or there are greater than 300 animals and the facility directly discharges into a waterbody or through the confinement area via a man-made conveyance. CAFOs are point sources of pollution under the National Pollution Discharge Elimination System (NPDES) and are regulated under Section 301 of the CWA.

The Cayuga County SWCD has received over \$500,000 in funds through the Bond Act to work on animal waste management. In addition, the SWCD has received an EPA grant to demonstrate the use of drag hose applications in animal waste management. Several farms in the Cayuga Lake Watershed are currently receiving technical and financial assistance through this grant. Windmills have been installed on two animal waste pits to reduce the odor produced by these facilities. Currently, six rotational grazing programs have been developed, with four now implemented, for livestock operations in the watershed. Stream control plans have been developed for six sites in the watershed and will be implemented over the next year.

The Cortland County SWCD has applied for an implementation grant to institute BMPs on three farms in the Virgil Creek subwatershed after completing Tier 3 plans. Nutrient management programs are produced in combination with other programs as needed, most notably as part of the AEM BMPs. A nutrient management program has been developed and implemented for at least one farm in the Cortland County portion of the watershed.

According to the Seneca County SWCD, no requests for AEM plans have been requested from farms in the eastern portion of the county within the watershed. Private consultants currently design nutrient management programs for Seneca County farms. Many of these nutrient management programs began being developed and undertaken before

CAFO/AFO regulations were mandatory. At this time, the Seneca County SWCD has received no requests for nutrient management program assistance.

Funding from the NYS Agricultural Non-Point Source Abatement and Control Grant Program is currently being sought to assist in the production of AEM plans for farms in the Taughannock Creek subwatershed at the southeastern end of the Town of Hector in Schuyler County. Three farms in Hector have received agricultural waste management plans that address manure storage design, silage leaks, barnyard pad runoff, and dairy operations in an attempt to reduce environmental risks as part of AEM Tier 3 plans. Nutrient management programs are done by private consultants throughout the county and if requested are produced for farms within the Cayuga Lake Watershed.

Through AEM, the Tompkins, Cayuga, and Cortland SWCDs have completed Tier 1 surveys and Tier 2 worksheets for farms in the Fall Creek subwatershed. The Tompkins County SWCD has also completed Tier 1 surveys and Tier 2 worksheets for the Sixmile Creek and Salmon Creek subwatersheds. At present there are no major water quality problems and the current thrust is to assist farms in implementing BMPs to meet CAFO/AFO requirements. According to the Tompkins County SWCD, which administered the enabling grant, many of the farms have or are currently implementing portions of their Agricultural Waste Management Plans to meet compliance standards for CAFO/AFO regulations. Within the Fall Creek subwatershed over 120 farms covering approximately 43,000 acres were surveyed. Existing nutrient management programs are incorporated in the AEM plans. However, a comprehensive nutrient management program planning grant is currently being sought for the Tompkins County portion of the Cayuga Lake Watershed.

There are no farms present in the Tioga County portion of the Cayuga Inlet subwatershed.

The NYS Agricultural and Markets Law, Article 25AA-Agricultural Districts provides local owners with the ability to propose their farmland be designated as an agricultural district to “conserve, protect, and encourage the development and improvement” of their land for “production of food and agricultural products.” The Agricultural Districts provision of the law takes precedent over local regulations that may limit or otherwise obstruct the use of these designated districts for agricultural production purposes. Large portion of the Cayuga Lake Watershed are designated as agricultural districts including a large portion of the western side of the watershed throughout Seneca County and the Town of Hector. On the eastern side, Cayuga County agricultural districts extend along the lake east of the cottages located on the lake and within the Cortland County portion of the watershed. Cortland County Agricultural District 1 includes the towns of Virgil and Harford, while Agricultural District 2 encompasses the Town of Cortlandville, other portions of Homer, and the Town of Scott. The majority of the two agricultural districts within Tompkins County are located in the watershed as well.

In addition, the NYS Department of Agriculture and Markets provides administrative support to the 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 programs. 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. Four of the six counties (Cayuga, Cortland, Tioga, and Tompkins) in the program are within the Cayuga Lake Watershed.

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. The commissioner of the NYSDOH and commissioners of County DOH’s determine violations and subsequent penalties.

As mentioned above, 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 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.

### 5.3 County

The counties in the Cayuga Lake Watershed each have a committee or council responsible for providing guidance and monitoring of issues related to county water quality and resources. Each of the groups consists of members from various agencies including planning, DOH, SWCD, and others. Table 5.1 lists the appropriate water quality agency or committee for the counties in the Cayuga Lake Watershed. NPS is an oft-discussed topic among the committees, agencies, and councils. Studies and reports conducted in each county have monitored and assessed NPS to assist in developing guidance for controlling NPS.

<b>Table 5.1 County Water Quality and Resource Groups</b>
Cayuga County Water Quality Management Agency
Cortland County Water Quality Coordinating Committee
Schuyler County Water Quality Coordinating Committee
Seneca County Water Quality Committee
Tioga County Water Quality Coordinating Committee
Tompkins County Water Resources Council*

\*Includes a Policy and Technical Committee

As stated earlier, each county has a SWCD responsible for implementing the NYS Agricultural Nonpoint Source Abatement and Control Program. The New York Soil and Water Conservation Law administered by the SWCC requires owners of agriculture, livestock, or timber producing lands to apply to their respective county's SWCD for a soil and water conservation plan. The SWCD is obligated to produce such a plan upon request by the owner of the land, but there is no penalty for not implementing the plan upon its completion. The Agricultural Nonpoint Source Abatement and Control Program is often included as part of the agricultural environmental management program that produces such plans.

Other countywide ordinances, laws, plans, and programs that address NPS are also in place within the Cayuga Lake Watershed. The *Cayuga County Sanitary Code* requires periodic inspection of all septic systems within the watershed. Septic system failure is a major health concern and results in human contact with possibly infectious organisms. In Seneca County a countywide drainage plan assists in the management of NPS through standards set to protect and enhance water.

Through the 1994 *Watershed Protection Law of Schuyler County*, NPS management is attained through regulation and enforcement of sewage disposal and wastewater treatment systems throughout the county. Provisions are stipulated for the discharge and disposal of sewage and the design, construction, and certification of wastewater treatment facilities.

All five of the six counties in the watershed have planning boards or commissions responsible for conducting reviews and issuing approval for proposed development. The Tompkins County Planning Department, under provisions of their Charter, is responsible for reviewing development proposals. Although they do not have a planning board or commission at the county level, they do have a Planning Advisory Board that assumes the functions of a planning board. Cayuga, Cortland, Schuyler, and Tompkins Counties each have an environmental management council while Tioga County has a conservation board. These groups monitor and advise on issues related to development and sustaining/improving the environmental character of their respective counties. None of the counties in the watershed currently have sediment and erosion control laws or vegetation retention laws.

Countywide comprehensive plans are in place in Cortland, Schuyler, Tompkins, and Tioga Counties and Cayuga County currently has a land use plan. Seneca County has prepared a comprehensive plan, but at this time it is yet to be adopted. In addition to its comprehensive plan, Tioga County has a future land use plan and an agriculture and farmland protection plan. The *Tioga County Agriculture and Farmland Protection Plan* focuses on retaining and



building upon the economic benefits of agriculture in the county through more viable farming practices. Tompkins County has an approved Farmland Protection Plan. Table 5.2 presents the county regulations and controls in the watershed that have an effect on the reduction of NPS in the watershed.

**Table 5.2**  
**County Land Use Regulation and Control Form**

	Comprehensive Plan	Drainage Plan	Sediment & Erosion Control Laws	Vegetation Retention Laws	Other County Plans	Other County Ordinances	Planning Board/ Commission	Conservation Board	Environmental Management Council	Other County Boards and Committees
Cayuga County	No	No	No	No	Yes(Land Use)	Yes	Yes	No	Yes	Yes (WQMA)
Cortland County	Yes	No	No	No	No	No	Yes	No	Yes	Yes (WQCC)
Schuyler County	Yes	No	No	No	Yes(Water Quality)	Yes(Watershed Protection)	Yes	No	Yes	Yes (WQCC)
Seneca County	No*	Yes	No	No	No	No	Yes	No	No	Yes (WQC)
Tioga County	Yes	No	No	No	Yes(Ag & Future Use)	No	Yes	Yes	No	Yes (WQCC)
Tompkins County	Yes	No	No	No	Yes	Yes	No	No	Yes	Yes (WRC)**

\* Prepared but not adopted

\*\* In addition to the Tompkins County WRC, there is also a Policy & Technical Committee

Source: Genesee/Finger Lakes Regional Planning Council, 1999

WQMA = Water Quality Management Agency

WQCC = Water Quality Coordinating Committee

WQC = Water Quality Committee

WRC = Water Resources Council

## 5.4 Municipal

Most of the programs, ordinances, and regulations directly related to NPS are administered, prepared, monitored, and enforced at the federal, state, and county levels. 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.

Some municipalities do have committees and boards that include the reduction of NPS as part of their focus. The Town of Caroline in Tompkins County is the only municipality in the watershed with a committee that assesses and provides guidance on actions developed for watershed protection in the town. Conservation boards have been assembled and operate in the Village of Interlaken, Town of Ithaca, and Village of Trumansburg.

Municipal drainage plans are currently in place in the Village of Interlaken and Town of Newfield. The Village of Aurora and Town of Genoa each have sediment and erosion control laws. At present, the Village of Lansing has a drainage plan, sediment and erosion control laws, and vegetation retention laws included as part of its comprehensive plan.

Of the 40 municipalities in the Cayuga Lake Watershed that returned the *Municipal Land Use Regulation and Control Survey*, 27 have zoning, 17 have comprehensive plans, 26 have subdivision ordinances, and 23 have adopted other plans or ordinances. Table 5.3 provides a matrix of the various municipal land use regulations and controls in the Cayuga Lake Watershed. These regulations and controls provide avenues for implementing future programs aimed at improving water quality through increased NPS management.

**Table 5.3**  
**Municipal Land Use Regulation and Control Form**

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

Source: Genesee/Finger Lakes Regional Planning Council, 1999

[Back to Table of Contents](#)