

## COUNCIL MEMORANDUM

Memorial City Hall  
24 South Street  
Auburn, New York 13021

**TO:** Honorable Mayor and Members of City Council

**FROM:** Stacy L. DeForrest, Esq. Corporation Counsel

**DATE:** September 99, 2021

**RE:** Counsel Resolution # of 2021, Asking Governor Hochul to Review the State's Criteria and Deadline Concerning the Owasco Lake Community Concensus Updated Watershed Rules and Regulations

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### **Background:**

Owasco Lake is the source of public water supply for the City of Auburn, the Town of Owasco, and approximately forty-five thousand water users within Cayuga County. The quality of Owasco Lake is directly impacted by its watershed, which includes the lake, its tributaries, and all watercourses tributary thereto, and comprises approximately 205-square miles over Cayuga, Onondaga and Tompkins counties.

In 1984, pursuant to Public Health Law Section 1100, the New York State Department of Health adopted Title 10 of the New York Codes, Rules and Regulations, Section 104.1, which is commonly referred to as the Owasco Lake Watershed Rules and Regulations (the "Watershed Rules and Regulations") as a way to enhance protection and preservation of the water quality. Under these Watershed Rules and Regulations, the City of Auburn and the Town of Owasco are responsible for inspecting the watercourses within the watershed and for reporting violations in cases of noncompliance with the Cayuga County Health Department.

Since 1984, the lands within the Owasco Lake Watershed have witnessed cumulative changes in land use and development. In 2016, Owasco Lake showed its first detectable levels of toxins associated with harmful blue green algae blooms in its raw and finished (treated) water. These harmful green algae blooms have resulted in coordinated efforts by the City of Auburn, the Town of Owasco and Cayuga County, to work with the Owasco Lake Watershed Management Council., to inspect, monitor, test, and, when necessary, treat the waters of the Watershed, in order to protect Owasco Lake.

In 2017, as a part of the continued efforts to protect Owasco Lake water quality, the City of Auburn, the Town of Owasco and Cayuga County passed resolutions endorsing a project to update and revise the 1984 Owasco Lake Watershed Rules and Regulations. At the outset of the project, a Project Steering Committee was organized to lead the process by which the existing rules would be revised. This Committee included representatives from the City, the Town, the Owasco Lake Watershed Management Council., the Cayuga County Board of Health, as well as interested farmers.

In the three years prior to October 2020 when the rules were adopted, the Steering Committee worked together with staff representatives and Project Stakeholder groups, to hold eight (8) Steering Committee meetings, five (5) public meetings, and at least ten (10) staff meetings, in a coordinated effort to create and recommend a revised draft of the Owasco Lake Watershed Rules and Regulations.

In October 2020, approximately four (4) years after the first harmful blue green algae blooms were detected in Owasco Lake, a final draft of the revised Owasco Lake Watershed Rules and Regulations was adopted by the City Council of Auburn, the Town Board of Owasco, and Cayuga County.

In December of 2020 the locally adopted community consensus Owasco Lake Watershed Rules and Regulations were officially sent to the New York State Department of Health for formal review by the State. Since that time we have been waiting for response from the State and insufficient response has been received so far. With this resolution the City Council will ask Governor Kathy Hochul for her assistance with reviewing the matter and defining a State review process that will be transparent, allow our local participation and establish a timeline for the review process with a final deadline that the State will meet for final adoption.