

**Cayuga County Water Quality Management Agency Resolution  
Passed on February 3, 2022**

WHEREAS, the New York State Department of Environmental Conservation (NYSDEC) has released the Draft 2020-2022 Clean Water Act Section 303(d) List of Impaired/Total Maximum Daily Load (TMDL) Waters for public comment; and

WHEREAS, the Cayuga County Water Quality Management Agency reviewed and discussed this list and the data available; and

WHEREAS the Cayuga County Water Quality Management Agency understands the importance of protecting the waters within the County; and

WHEREAS, while the Cayuga County Water Quality Management Agency recognizes that many waterbodies in the County are in great condition, there are some areas that do not meet their best uses at all times; and

WHEREAS, the Consolidated Assessment and Listing Methodology (CALM) that NYSDEC uses to determine which waters are impaired and should be on this list allows the use of both narrative and numeric health water quality standards in 6 NYCRR, Part 703 to determine whether a water body supports its best use; and

WHEREAS, the U.S. Environmental Protection Agency (EPA) is legally mandated to enforce the U.S. Clean Water Act and the Safe Drinking Water Act in order to safeguard the public from contaminants in drinking water that cause adverse health effects; and

WHEREAS, the NYSDEC has been delegated authority by EPA to enforce the Clean Water Act in order to safeguard public health from contaminants in drinking water; and

WHEREAS, a narrative standard in 6 NYCRR 703 states that for all classes of water bodies, taste, color, and odor producing, toxic and other deleterious substances shall not be present in amounts that will adversely affect the taste, color or odor thereof, or impair the waters for their best usages; and

WHEREAS, based upon data from raw water samples collected by the Town of Owasco and the City of Auburn at their respective water treatment plants from 2017 to 2021, cyanotoxins are present in amounts that impair the water for its use as a drinking water supply and in 2021, the level of microcystin in the raw water was as high as 8.37 ppb; and

WHEREAS, the drinking water and bathing beach standards set by the NYSDOH is 0.3 ppb and 4 ppb respectively; and

WHEREAS, due to elevated levels of cyanotoxins, Owasco Lake currently does not support its best uses as both a drinking water supply and primary contact recreation; and

WHEREAS, the NYSDEC report “Proposed Nutrient Criteria for Water Supply Lakes and Reservoirs” by Cliff Callinan et al. reported that levels of chlorophyll a should not exceed 6 ppb to prevent the formation of disinfection by-products in drinking water from exceeding the maximum contaminant level set by Subpart 5-1 of the New York State Sanitary Code; and

WHEREAS, according to data collected in the CSLAP program in the time period between 2017 and 2019, Owasco Lake had levels of chlorophyll a up to 19.4 ppb, and in addition, during this time period, the following public water systems that purchase water produced by the City of Auburn were in violation in that their drinking water exceeded maximum contaminant levels of disinfection by-products: Brutus, Montezuma, Fleming/Springport, Aurelius Water District #2, and Aurelius Water District #3; and

WHEREAS, due to elevated levels of chlorophyll a, Owasco Lake currently does not support its best use as a drinking water supply and therefore should be included on the Draft 303(d) List provided to the EPA; and

WHEREAS, another narrative standard in 6 NYCRR 703 states that for all classes of water bodies there shall be no increase of turbidity that will cause a substantial visible contrast to natural conditions; and

WHEREAS, there have been numerous instances following even minor rain events in which water discharging from the Owasco Inlet, Dutch Hollow Brook, and minor streams into Owasco Lake contrasts significantly to natural conditions; and

WHEREAS, increased sediment can harm aquatic ecosystems by damaging habitat and impacting the food web; and

WHEREAS, according to data collected in the NYSDEC’s 2019 Finger Lakes Tributary Program, the total phosphorus concentration in Sucker Brook and an unnamed tributary off of Widewaters Road averaged 46.4 ppb and 94.1 ppb, respectively, exceeding the NYSDEC guidance level of 20 ppb, and

WHEREAS, NYSDEC’s 2018 Finger Lakes Tributary Program data, the average total phosphorus levels for Veness Brook, Sucker Brook, and the Owasco Inlet exceeded 20 ppb, with values as high 122 ppb in Veness Brook and 111 ppb in the Owasco Inlet, and

WHEREAS, excess phosphorus causes algae blooms that can in turn result in low levels of dissolved oxygen that harm fish and impact water odor and color restricting recreational uses. Non-point source nutrient enrichment also impacts aquatic life (macroinvertebrates); and therefore it be

RESOLVED, that Owasco Lake currently does not support its best uses as a drinking water supply and primary contact recreation and the Cayuga County WQMA states that should be included on the Draft 2020-2022 303(d) List provided to the EPA; and be it further

RESOLVED, that Dutch Hollow Brook, Sucker Brook, Veness Brook, the Owasco Inlet and minor tributaries into Owasco Lake do not support their best use of fishing and contact recreation and the Cayuga County WQMA states that it should also be included in the Draft 2020-2022 Clean Water Act 303(d) List of Impaired Waters; and be it further

RESOLVED, the Cayuga County Water Quality Management Agency requests the Chair to forward this resolution to all appropriate agencies immediately following the approval of the resolution.