

COUNCIL RESOLUTION # 16 OF 2022

**REQUESTING THAT THE GOVERNOR DEVELOP, ADOPT, AND
IMPLEMENT A TOTAL MAXIMUM DAILY LOAD (TDML)
COMPREHENSIVE WATERSHED CLEAN-UP PLAN FOR OWASCO LAKE**

WHEREAS, the City of Auburn and the Town of Owasco rely on Owasco Lake as the source of drinking water for 45,000 people; and

WHEREAS, in late September and early October 2016 harmful algal blooms (HABs) engulfed Owasco Lake and released highly toxic microcystins that were detected in the treated drinking water supplied to the public; and

WHEREAS, the level of toxic microcystins detected in drinking water supplied from Owasco Lake nearly exceeded the .3 ppb of microcystins, a Health Advisory Guideline that would have required New York State health authorities to prohibit public consumption of drinking water supplied from Owasco Lake; and

WHEREAS, in 2017, 2018, 2019, 2020 and 2021 Owasco Lake was repeatedly polluted by massive HABS that closed beaches, impaired the best uses of the lake and contaminated drinking water supplied from the lake with microcystins; 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 New York State Department of Environmental Conservation (DEC) 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, on November 2, 2021, New York voters approved the New York Ballot Proposal 2, the Environmental Rights Amendment, which added a right of clean water, clean air and a healthful environment to the New York State Constitution's Bill of Rights; and

WHEREAS, pursuant to section 303(d) of the Clean Water Act, DEC shall list waterbodies impaired from their "best usages"? and require development and implementation of a Total Maximum Daily Load (TMDL) comprehensive watershed clean-up plan in order to reduce the input of the specific pollutant(s) in order to restore and protect Impaired Waterbodies; and

WHEREAS, New York's 303(d) Registry of Impaired Waterbodies includes hundreds of lakes, rivers and bays impaired by HABs and mandates adoption and implementation of TMDL plans to curtail phosphorus, nitrogen and other nutrients in storm water and agricultural run-off that can cause HABs;

WHEREAS, extensive scientific research of Owasco Lake and numerous other waterbodies from coast-to-coast has documented the causal association of excessive nutrient loading and the presence of HABs; and

WHEREAS, EPA concluded excess nutrients are a primary cause of HABs and long-term prevention of HABs requires comprehensive reductions in uncontrolled nutrient pollution; and

WHEREAS, in 2016 DEC inexplicably changed the 303(d) regulatory status of Owasco Lake to a non-priority waterbody pursuant to Section 3b by requiring further verification of the lake's obvious, on-going water quality impairment and did not require a TMDL to curtail HABs in the lake that threaten public drinking water; and

WHEREAS, in 2016, the Auburn City Council passed Council Resolution #156 of 2016, requesting that New York State follow the law and develop, adopt, and implement a TMDL for Owasco Lake without further delay; and

WHEREAS, the DEC is currently in the process of collecting public comments regarding the draft 2022 303(d) Impaired Waterbody Registry that does not require any TMDL for Owasco Lake.

NOW THEREFORE BE IT RESOLVED that the Auburn City Council does hereby request that the Governor develop, adopt, and implement without further delay a TMDL comprehensive watershed clean-up plan for Owasco Lake and that the DEC's draft 2022 303(d) Impaired Waterbody Registry be changed to classify Owasco Lake accordingly;

BE IT FURTHER RESOLVED that the Auburn City Council requests that the DEC and Department of Health (DOH) cooperate fully with EPA to curtail nutrient releases into Owasco Lake in order to fulfill the right of local residents to receive safe, clean drinking water free of microcystins and all other contaminants that threaten public health; and

BE IT FURTHER RESOLVED that the City Clerk forward certified copies of this Resolution to the Governor, the Commissioner of the DOH, the Commissioner of the DEC, and be a formal submission as a comment for the current draft of the 2022 303(d)list.

	Ayes	Noes
Councilor Kent	X	
Councilor Giannettino	X	
Councilor Cuddy	X	
Councilor Locastro	X	
Mayor Quill	X	
Carried and Adopted	X	

STATE OF NEW YORK)
) SS.:
 COUNTY OF CAYUGA)

I, CHARLES MASON, Clerk of the City of Auburn, Cayuga County, New York (the “City”), DO HEREBY CERTIFY:

That I have compared the annexed abstract of the minutes of the meeting of the Council of the City (the “Council”), held on the 20th day of January, 2022, including the Resolution #16 of 2022 contained therein, with the original thereof on file in my office, and the attached is a true and correct copy of said original and of the whole of said original so far as the same relates to the subject matters therein referred to.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City this 21st day of January, 2022.



Charles Mason, Clerk
 City of Auburn, Cayuga County,
 New York