

Summary Draft of Proposed Revisions to the
1984 Owasco Lake Watershed
Rules and Regulations

OWASCO LAKE WATERSHED RULES & REGULATIONS

DRAFT SUMMARY OF
CHANGES DATED 4/3/2020

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I. DEFINITIONS

- (1) *Agricultural* shall mean of or relating to practices that contribute to commercial farming including but not limited to: (a) the commercial production, preparation and marketing of crops, livestock and livestock products as defined in the current version of [Section 301\(2\) of the New York State Agriculture and Markets Law](#), (b) commercial horse boarding operations as defined in the current version of [Section 301\(13\) of the New York State Agriculture and Markets Law](#), and (c) manure processing and handling.
- (2) *Agricultural Associated Animal Waste* shall mean manure obtained from agricultural activities.
- (3) *Agricultural Associated Animal Waste Storage Area* shall mean land used for the temporary or permanent deposition of agricultural associated animal waste where said deposition is not directly for the purpose of fertilization of a crop.
- (4) *Agricultural Waste* shall mean waste produced as a result of the rearing of animals and the production and harvest of crops or trees.
- (5) *Agricultural Waste Storage Impoundment or Containment Facility* shall mean an area for the storage of manure and/or agricultural by-products made by constructing an embankment, excavating a pit or dugout, or by fabricating a structure.
- (6) *Animal Feeding Operations (AFOs)* shall mean agricultural operations where animals are kept and raised in confined situations. An AFO is a lot or facility (other than an aquatic animal production facility) where the following conditions are met: (1) Animals have been, are, or will be stabled or confined and fed or maintained for a total of forty five (45) days or more in any twelve (12) month period, and (2) Crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility.
- (7) *Appropriately Credentialed Individual* shall mean a person possessing documented evidence of qualifications to develop farm management plans. An example of an *Appropriately Qualified Credentialed Individual* would be a planner certified through the Agricultural Environmental Management (AEM) Program or other program with equivalent requirements for training and experience.
- (8) *Bulk Storage* shall mean properties with petroleum storage that is subject to [New York State Department of Environmental Conservation 6 NYCRR Part 613 Petroleum Bulk Storage](#) regulations.
- (9) *CFR* shall mean the Code of Federal Regulations.
- (10) *Chloride Salt* shall mean any bulk quantities of chloride compounds or other deicing compounds intended for application to roads, including mixtures of sand and chloride compounds in any proportion where the chloride compounds constitute eight percent or more of the mixture. A bulk quantity of chloride compounds means a quantity of one thousand (1,000) pounds or more, but does not include any chloride compounds in a solid form, including granules, which are packaged in waterproof bags or containers which do not exceed one hundred (100) pounds each.
- (11) *Class AA waterbody* shall mean a waterbody assigned a “best use” classification by the New York State Department of Environmental Conservation as drinking water.
- (12) *Commercial Building* shall mean a structure which is wholly or partially used or intended to be used for commercial or municipal purposes.
- (13) *Commercial Fertilizer* shall mean a chemically manufactured substance containing one or more recognized plant nutrients and that is used for its plant nutrient content or that is designated for use or claimed to have value in promoting plant growth. Commercial fertilizer is distinguished from natural substances used as fertilizer such as animal manures.
- (14) *Commissioner of Health*, unless otherwise noted, shall mean the Commissioner of Health of the State of New York.
- (15) *Composted Sludge* shall mean a soil amendment made from solids separated during the treatment of municipal wastewater.

- (16) *Concentrated Animal Feeding Operations (CAFOs)* shall mean Animal Feeding Operations (AFOs) that meet certain animal size thresholds established in CAFO regulations promulgated by the New York State Department of Environmental Conservation.
- (17) *Construction* shall mean any physical modification to the area or location of a facility, including but not limited to, site preparation (e.g., clearing, grading, and excavation, etc.) and building of structures.
- (18) *Container* shall mean a portable piece of equipment in which waste is stored, transported, treated, disposed of, or otherwise handled.
- (19) *Designated Representative* shall mean the health commissioner or health officer of a city of fifty thousand (50,000) population or over, or the health commissioner or health officer of a county or part county health district, the state regional health director, or district director having jurisdiction; a public health director or public health engineer qualified as duly appointed pursuant to [Part 11 of the New York State Sanitary Code](#); or a county health commissioner, or county health director having the powers and duties prescribed in [Section 352 of the New York State Public Health Law](#), or any other individual so designated by the Commissioner of Health of the State of New York.
- (20) *Discharge* shall mean the accidental or intentional leaking, pumping, pouring, emitting, emptying or dumping of any pollutant into or on any land or water.
- (21) *Disposal* shall mean the discharge, deposit, injection, dumping, spilling, leaking, or placing of any pollutant into or on any land or water so that such solid waste, radioactive material, hazardous waste, or wastewater shall remain on the land or water and will not be removed.
- (22) *Dwelling* shall mean any building or structure which is wholly or partly used or intended to be used for living, sleeping, cooking, or eating quarters by human occupants.
- (23) *Effluent* shall mean treated or untreated wastewater that flows out of a treatment plant, sewer, or industrial outfall. Generally refers to wastes discharged into surface waters. Effluent only refers to liquid discharge.
- (24) *Farm* shall mean an operation for the production of crops, livestock or livestock products as defined in [Section 301\(2\) of the New York State Agriculture and Markets Law](#).
- (25) *Farm Management Plan* shall mean an annually updated document prepared for a farm that identifies, addresses, and mitigates environmental concerns to protect the water resources of the Owasco Lake Watershed. The plan addresses water quality issues through environmental assessments. Mitigation of concerns is achieved through the implementation of Best Management Practices (BMPs).
- (26) *Feed Storage Area* shall mean a designated area, paved or unpaved, covered or uncovered, used for storage of any materials used to create the rations for livestock. Also included are those areas used to store spoiled, spilled, or other unused rations for livestock. Feed storage area does not include buildings or roofed structures that contain dry commodities, provided that precipitation does not come into contact with the commodities stored in said structure.
- (27) *Floodplain* shall mean the land contiguous to streams, ponds, estuaries, and lakes which would be inundated by a flood having a one percent chance of being equaled or exceeded in any given year.
- (28) *Floodway* shall mean the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.
- (29) *Fluid-Saturated Soil* shall mean soil in which all voids (pores) between soil particles are filled with water.
- (30) *Frozen-Saturated Soil* shall mean soil in which all voids (pores) were filled with water before the soil cooled to below thirty two (32) degrees Fahrenheit (zero (0) degrees Celsius) and the water turned to ice. Frozen-saturated soil is characterized by a solid, impermeable layer which is impenetrable by injection/incorporation techniques.
- (31) *Groundwater* shall mean any water beneath the land surface in the saturated zone of rock or soil. This includes perched water separated from the main body of groundwater by an unsaturated zone.

- (32) *Hazardous Material* shall mean any substance listed in or exhibiting characteristics identified in the current version of either [6 New York Codes, Rules, and Regulations Part 371](#) or [6 New York Codes, Rules, and Regulations Part 597](#).
- (33) *High Water Mark of Owasco Lake* shall mean 717.13 feet above sea level.
- (34) *Household* shall mean single and multiple-family residences, hotels, motels, bed and breakfast establishments, residential rental units, bunkhouses, ranger stations, crew quarters, and campgrounds.
- (35) *Hydrologic soil group* shall mean soils grouped according to their runoff-producing characteristics under similar storm and cover conditions. Properties that influence runoff potential are depth to seasonally high water table, intake rate and permeability.
- (36) *Impervious Area* shall mean all impermeable surfaces that cannot effectively infiltrate rainfall. This includes paved, concrete and gravel surfaces (i.e. parking lots, driveways, roads, runways and sidewalks); building rooftops and miscellaneous impermeable structures such as patios, pools, and sheds.
- (37) *Lake* shall mean Owasco Lake.
- (38) *Land Based Holding Tanks* shall mean a sealed tank used to temporarily store wastewater prior to pump out and transport by a license waste hauler to a point for proper disposal. This does not include recreational vehicles, trailers or campers with integrated greywater and/or black water waste tanks.
- (39) *Land Used in Agriculture Production* shall mean land used for the production of crops, livestock, or livestock products as defined in [Section 301\(2\) of the New York State Agriculture and Markets Law](#). Land used in agriculture production shall not include land or portions thereof used for processing or retail merchandising of such crops, livestock, or livestock products
- (40) *Leachate* shall mean any solid waste in the form of a liquid, including any suspended components, that results from the contact with waste.
- (41) *Manure* shall mean animal feces, urine and any bedding material mixed therein.
- (42) *Manure Stacking Area* shall mean an area where non-structural measures are used to store one or more piles of manure or manure mixed with other materials. A manure stacking area is distinguished from an agricultural waste storage impoundment or containment facility made by constructing an embankment, excavating a pit or dugout, or by fabricating a structure.
- (43) *Medical Waste* shall mean material generated in research, production and testing of biologicals or health care such as: infectious animal waste; human pathological waste; human blood and blood products; needles and syringes (sharps); cultures and stocks (microbiological materials); and other biohazard waste.
- (44) *Milking Center* shall mean the building or buildings on a dairy farm where milk is collected, cooled, and stored temporarily, pending sale and shipment
- (45) *Milking Center Wastewater* shall mean wastewater generated from the cleaning of empty milking lines and tanks and the liquid portion of milking center wash water. Milking center wastewater commonly includes residual milk (i.e. milk that remains in the pipeline, receiver, and bulk tank after emptying), cleaning chemicals (i.e. detergents, sanitizers and acid rinses), water softener recharge water, and small amounts of manure, bedding, feed, grit and dirt from the floor.
- (46) *Non-Bulk Storage* shall mean properties with petroleum storage that are not subject to [New York State Department of Environmental Conservation 6 NYCRR Part 613 Petroleum Bulk Storage](#) regulations.
- (47) *Non-Waterborne Toilet System* shall mean a disposal system in which human excreta is not co-mingled with water. Such a system includes a composting toilet, a chemical toilet, or an incinerator toilet but does not include a privy or land based holding tank.
- (48) *NRCS* shall mean the National resource Conservation Service, formerly known as the Soil Conservation Service (SCS), is an agency of the United States Department of Agriculture (USDA) that provides technical assistance to farmers and other private landowners and managers.
- (49) *NYCRR* shall mean the New York Codes, Rules, and Regulations.
- (50) *NYSDEC* shall mean the New York State Department of Environmental Conservation.

- (51) *Onsite Wastewater Treatment System* shall mean a system used to treat wastewater from a home or business and return treated wastewater back into the receiving environment. The most common and traditional onsite wastewater treatment system consists of a septic tank that gravity flows into a soil absorption field for final treatment and dispersal.
- (52) *Owasco Lake Watershed Inspection and Protection Division* shall mean the division of the Owasco Lake Watershed Management Council that inspects areas of the Owasco Lake Watershed and identifies issues that could harm the quality of the water.
- (53) *Owasco Lake Watershed Inspection Committee* shall mean the body that oversees the activities of the person or persons performing inspections of the Owasco Lake Watershed to ascertain compliance with the Owasco Lake Watershed Rules and Regulations. At the time of the adoption of these regulations, this body is the *Owasco Lake Watershed Inspection Committee* of the Owasco Lake Watershed Management Council.
- (54) *Owasco Lake Watershed Management Council* shall mean the body that coordinates actions for protecting and restoring the health of Owasco Lake and its watershed. The Owasco Lake Watershed Management Council is an inter-municipal 501(c)3 nonprofit development corporation with representation from municipalities throughout the Owasco Lake Watershed.
- (55) *Pesticide* shall mean any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, and any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant, and being those substances defined as pesticides pursuant to the current version of [Section 33-0101 et seq. of the New York State Environmental Conservation Law](#).
- (56) *Petroleum* shall mean oil or petroleum of any kind and in any form including, but not limited to oil, petroleum, fuel oil, oil sludge, oil refuse, oil mixed with other wastes and crude oils, gasoline and kerosene ([Article 12, Section 172 of NYS Navigation Law](#)).
- (57) *Pollutant* shall mean dredged spoil, solid waste, refuse, sewage, manure, garbage, sewage sludge, chemical waste, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, silt, and industrial, municipal, or agricultural wastes. *Pollutant* shall also mean rock, sand, silt, or salt in quantities, volumes or concentrations that exceed a de minimis amount, below which is not expected to impact water quality or impair Owasco Lake for its usage as a source of water supply for drinking.
- (58) *Privy* shall mean an outdoor building placed over an excavated pit that is used as a toilet.
- (59) *Radioactive Material* shall mean any material in any form that emits radiation spontaneously, excluding those radioactive materials or devices containing radioactive materials whose receipt, possession, use, and transfer are exempt from licensing and regulatory control pursuant to regulations of the New York State Department of Labor or United States Nuclear Regulatory Commission.
- (60) *Refuse* shall mean all putrescible and non-putrescible wastes including garbage, ashes, incinerator residue, street cleanings, dead animals, offal, and household, commercial or industrial wastes.
- (61) *Roadside Ditch* shall mean a depression that channels water alongside a roadway and contributes flow to Owasco Lake or a watercourse.
- (62) *Septic Systems* shall mean a set of components to receive, treat, and dispose of sewage, typically including a tank to receive and hold solid waste and a treatment system to sanitize and dispose of clarified septic effluent or wastewater, such as a septic leach field or drain field.
- (63) *Sewage* shall mean the combination of human and household waste with water which is discharged to a plumbing system including the waste from a flush toilet, bath, sink, lavatory, dishwashing or laundry machine, or the water-carried waste from any other fixture, equipment or machine.
- (64) *Short-term Rental* shall mean a property that is rented out for periods of time less than 30 days in duration.
- (65) *Silage Leachate* shall mean the liquid generated from the moisture of livestock fodder as it undergoes the processes of fermentation.
- (66) *Sludge* shall mean the solid, semi-solid, or liquid waste generated from a water treatment plant or a waste processing facility, but does not include the liquid stream of effluent.

- (67) *Solid Waste* shall mean all putrescible and non-putrescible materials or substances discarded or rejected as being spent, useless, worthless or in excess to the owners at the time of such discard or rejection, including but not limited to garbage, refuse, industrial and commercial waste, sludge from air or water control facilities, rubbish, ashes, contained gaseous material, incinerator residue, demolition and construction debris, discarded automobiles and offal but not including sewage and other highly diluted water carried materials or substances and those in gaseous form, and being those wastes defined as solid waste pursuant to [Section 27-0701 et seq. of the New York State Environmental Conservation Law](#) and [Title 6, Chapter IV, Subchapter B of the New York Codes, Rules, and Regulations \(NYCRR\)](#).
- (68) *Soil Disturbing Construction Activities* shall mean any clearing, grading, excavation, filling, demolition or stockpiling activities that result in soil disturbance. Soil disturbing construction activities do not include clearing completed for a field that will be used for agricultural crop production. They also do not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the site.
- (69) *Spill* shall mean any escape of a substance from the containers employed in storage, transfer, processing, or use.
- (70) *State of Emergency* shall mean the duly proclaimed existence of a situation or imminent threat of wide spread or severe damage, injury or loss of life or property, resulting from a natural or man-made cause.
- (71) *State Pollutant Discharge Elimination System (SPDES)* shall mean the system established pursuant to [Article 17, Title 8 of New York State Environmental Conservation Law](#) for issuance of permits authorizing discharges to the waters of the State of New York.
- (72) *Stormwater Conveyance* shall mean a feature designed to collect and transport stormwater through a drainage system. Stormwater conveyances include but are not limited to inlets, catch basins, storm sewers, open channels, pipes, culverts, structures, ditches (including roadside ditches) or enclosures and special structures such as diverters, manholes, junction boxes and energy dissipaters.
- (73) *Surface Inlet* shall mean a structure designed, constructed and installed to collect stormwater from the surface and transfer it to a subsurface drainage system.
- (74) *Top of the bank* shall mean the distinct break in the slope between a watercourse, roadside ditch, stormwater conveyance or surface inlet and the surrounding terrain. Where the *top of the bank* is not discernible along the watercourse, roadside ditch, stormwater conveyance or surface inlet, the *top of the bank* shall be considered the stage or elevation at which water is generally able to overflow the banks of the watercourse, roadside ditch, stormwater conveyance or surface inlet and enter the floodplain. Where a seawall is present along a watercourse it shall be considered the *top of the bank*.
- (75) *Treatment Works* shall mean any treatment plant, sewer, disposal field, lagoon, pumping station, onsite wastewater treatment system, constructed drainage ditch or surface water intercepting ditch, incinerator, or area devoted to sanitary landfills or other works not specifically mentioned in this paragraph, installed for the purpose of treating, neutralizing, stabilizing or disposing of sewage.
- (76) *USDA NRCS* shall mean the United States Department of Agriculture Natural Resources Conservation Service.
- (77) *Variance* shall mean a documented decision of the *Owasco Lake Watershed Inspection Committee* to exempt an individual from being required to comply with certain provisions of the Owasco Lake Watershed Rules and Regulations in specific areas and under specific circumstances.
- (78) *Vegetated Buffer* shall mean an area of grass or other suitable perennial vegetation intended to intercept and slow surface runoff thereby providing water quality benefits.
- (79) *Wastewater* shall mean sewage.
- (80) *Waste hauler* shall mean anyone who hauls wastewater to a landfill or transfer station.
- (81) *Watercourse* shall mean "waters" or "waters of the state" as defined in [Section 17-0105 of the New York State Environmental Conservation Law](#) and further described as being annual or perennial,

influent or effluent, continuously or intermittently flowing and include those classified in [6 New York Codes, Rules, and Regulations Part 898](#). The banks of such watercourse shall be identifiable, i.e., defined bed, banks, gullies, ravines, etc., that are capable of, and do under normal conditions, carry water in a manner described above. A map delineating the watercourses of the Watershed can be reviewed at the Cayuga County Department of Planning & Economic Development, Cayuga County Office Building, 5th Floor, 160 Genesee Street, Auburn, NY, 13021, and the New York State Department of Health, Bureau of Water Supply Protection, Empire State Plaza, Corning Tower Rm. 1135, Albany, NY 12237. Where there is a discrepancy between the maps and field observations, a site evaluation by *Owasco Lake Watershed Inspection and Protection Division* personnel will be the method of verifying whether or not a particular channel is a watercourse. Their determination shall be final.

- (82) *Watershed* shall mean all of the land area that drains into Owasco Lake or a watercourse as defined herein. A map delineating the boundaries of the Watershed can be reviewed at the Cayuga County Department of Planning & Economic Development, Cayuga County Office Building, 5th Floor, 160 Genesee Street, Auburn, NY, 13021, and the New York State Department of Health, Bureau of Water Supply Protection, Empire State Plaza, Corning Tower Rm. 1135, Albany, NY 12237. Where there is a discrepancy between the map and field observations, a site evaluation by *Owasco Lake Watershed Inspection and Protection Division* personnel will be the method of verifying whether or not a particular area is within the Watershed. Their determination shall be final.

II. APPLICATION

1. Application: The rules and regulations set forth in this Section duly made and enacted in accordance with the provisions of Section 1100-1107 of the Public Health Law shall apply to the source of the public water supply of the City of Auburn and Town of Owasco. Said water supply is Owasco Lake, a water body assigned a Class AA water quality classification under the New York Codes, Rules and Regulations (NYCRR). The lake is located approximately 1.5 miles south of the City of Auburn and located within Cayuga County. Its watershed is situated within parts of Cayuga, Tompkins, and Onondaga, Counties. The lake is one of the Central New York Finger Lakes and is a multiple use lake/reservoir with a lake surface area of 10.65 square miles and a watershed land drainage area of 205 square miles. The watershed drainage area appears on the USGS and NYSDOT 7.5-minute planimetric and topographic quadrangle maps titled "Auburn", "Genoa", "Groton", "Moravia", "Owasco", "Scipio Center", "Sempronius", "Skanateles", "Spafford", and "West Groton". The location of the watershed drainage area boundary as it applies to these rules and regulations is determined by geographic information system maps maintained by the Cayuga County Department of Planning and Economic Development. Where there is a discrepancy between the maps and field observations, a site evaluation by *Owasco Lake Watershed Inspection and Protection Division* personnel will be the method of verifying this boundary. Their determination shall be final. Maps delineating this boundary can be reviewed at the Cayuga County Department of Planning and Economic Development, 160 Genesee St, Auburn, NY 13021 and the New York State Department of Health, Bureau of Public Water Supply Protection, Empire State Plaza, Corning Tower Rm. 1135, Albany, NY 12237.

III. INSPECTION

1. Inspection. The Council of the City of Auburn and the Town Board of the Town of Owasco or their duly appointed representative shall make regular and thorough inspections of the Owasco Lake Watershed to ascertain compliance with the rules and regulations set forth in this Section. It shall be the further duty

of the aforesaid local governments to promptly notify the Local Health Department having jurisdiction of any violations. The aforesaid local governments shall report to the Local Health Department having jurisdiction in writing annually, prior to the 30th day of January, the results of the regular inspections made during the preceding year. The report shall state the number of inspections which were made, the number of violations found, the number of notices served, the number of violations abated and the general condition of the Watershed.

IV. GENERAL PROVISIONS

1. No person or corporation shall allow any *pollutant* of any kind to be *discharged*, deposited, or otherwise transported into Owasco Lake, a *watercourse*, or *stormwater conveyance* such as a roadside ditch.
2. The manufacture, use, storage, disposal, or discharge of any product, material, or byproduct, including, but not limited to, *wastewater*, *solid waste*, or any pollutant within the Watershed must conform to the requirements of these rules.
3. In addition to all other relevant provisions of these regulations, the collection, transportation, storage, recovery, treatment, processing and disposal of solid waste, medical waste, hazardous materials, radioactive materials, petroleum products, and pesticides shall comply with the [New York State Environmental Conservation Law](#) as well as [Title 6](#) and [Title 17 of the New York Codes, Rules, and Regulations \(NYCRR\)](#).
4. Transportation of *hazardous materials* is prohibited except when carried out in compliance with [Section 14-F of the New York State Transportation Law](#) and [17 New York Codes, Rules, and Regulations Chapter VI](#).
5. No person, including State agencies or political subdivisions having jurisdiction, shall perform any act or grant any permit or approval which may result in the contravention of the standards for raw water quality as contained in [10 New York Codes, Rules, and Regulations Part 170](#).
6. Notices of application for municipal, state, or federal permits or approvals for proposed projects that involve *soil disturbing construction activities* within the Watershed shall be forwarded to the Owasco Lake Watershed Inspection and Protection Division by the applicant at the same time such applications are submitted to the municipal agency having jurisdiction. Copies of such applications and supporting materials shall be provided to the Owasco Lake Watershed Inspection and Protection Division upon request.
7. Any person who is knowingly responsible for any spill of any *hazardous material*, petroleum, pesticides, medical wastes, or radioactive material within the Watershed, shall notify the Owasco Lake Watershed Inspection and Protection Division and the health department of the County in which the spill occurred. Notwithstanding any of the foregoing provisions, all spills shall be reported pursuant to [Article 12 of the Navigation Law](#) and [Section 17-1743 of the New York State Environmental Conservation Law](#).
8. Oil, gas, and water supply well construction, maintenance, and abandonment shall comply with the [New York State Environmental Conservation Law](#) and the [New York State Public Health Law](#).
9. Disposal of snow or ice from the plowing of public or private roads, driveways, parking lots, etc., into Owasco Lake, a *watercourse*, roadside ditch, or inlet to any other *stormwater conveyance*, is prohibited except for the unavoidable mounding of snow along the sides of plowed surfaces that results as a consequence of clearing ice and snow from them.

10. No refuse shall be deposited on or beneath the surface of ground within two hundred and fifty (250) feet of the high water mark of Owasco Lake, a *watercourse*, or a *stormwater conveyance* such as a roadside ditch, except as provided elsewhere in these regulations.
11. Domestic or farm animal mortalities shall be buried or disposed of in a sanitary manner within seventy-two (72) hours. No domestic or farm animal carcasses shall be buried or disposed of within two hundred and fifty (250) feet from the high water mark of Owasco Lake, the *top of the bank* of a down-gradient *watercourse* or roadside ditch, or other *stormwater conveyance*.
12. Any person who is responsible for any *spill* or other unplanned, unintended release of *manure* or commercial fertilizer during storage, transportation, or land application shall notify the Owasco Lake Watershed Inspection and Protection Division.

V. SEWAGE, WASTEWATER, SLUDGE, SEPTIC SYSTEMS AND OTHER ONSITE WASTEWATER TREATMENT SYSTEMS

1. No human excreta, *sewage*, *sludge*, composted excreta, or *composted sludge* shall be buried in, applied, deposited, or spread upon the ground at any point in the Watershed except as provided elsewhere in these regulations.
2. Storage of human excreta, *sewage*, *sludge*, composted excreta, or *composted sludge*, other than storage associated with the operation of an approved onsite wastewater treatment system or municipal wastewater treatment systems is prohibited.
3. All new onsite wastewater treatment systems in quantities of less than one thousand (1000) gallons per day shall be designed, installed, and maintained in accordance with the standards established in [10 New York Codes, Rules, and Regulations Part 75 \(Appendix 75-A\)](#). An additional useable area of fifty (50) percent shall be set aside for future expansion. The authority to approve individual household treatment systems shall rest with the county health department having jurisdiction.
4. The use of wastewater treatment systems with design flows greater than one thousand (1000) gallons per day are subject to the approval and enforcement authority of the New York State Department of Environmental Conservation and the county health department having jurisdiction.
5. The absorptive component of all onsite wastewater treatment systems, including the required expansion area, shall be constructed or placed a minimum of one hundred (100) feet from the *high water mark* of Owasco Lake and all *watercourses*. However, a *variance* may be granted for the repair or replacement of an existing system within one hundred (100) feet of the *high water mark* of Owasco Lake or a *watercourse* by the professional engineer for the county health department having jurisdiction. The granting of the *variance* is subject to the applicant demonstrating that the alternatives have been investigated and the design alternative selected is one that minimizes the risk of contamination to the lake or *watercourse* and maximizes the utilization of the usable area and condition of the site. Copies of all *variances* must be forwarded to the Owasco Lake Watershed Inspection and Protection Division by the county health department having jurisdiction.
6. No portion of an onsite wastewater treatment system absorption area shall be constructed or placed within a *floodway* or *floodplain* as designated on maps prepared by the Federal Emergency Management Agency (FEMA) unless the bottom of the absorption field is designed and constructed two

(2) feet above the designated flood elevation. A *variance* from this regulation may be granted for the repair or replacement of an existing system located within the floodway or *floodplain* by the professional engineer for the county health department having jurisdiction. Copies of all *variances* must be forwarded to the *Owasco Lake Watershed Inspection and Protection Division* by the county health department having jurisdiction.

7. Effective January 1, 2025, wastewater effluent with a phosphorus concentration that exceeds 2 mg/L may not be discharged into any onsite wastewater treatment system absorption area that is located less than 100 feet from the high water mark of Owasco Lake and has one or more of the following characteristics:
 - a. less than a two foot vertical separation between the bottom of the absorption device and seasonal high groundwater, bedrock, or impervious strata, or
 - b. located in *NRCS hydrologic soil* group type A, or
 - c. located in *NRCS hydrologic soil* group B with greater than 1% of CaCO₃ or
 - d. located in *NRCS hydrologic soil* group C that has greater than 15% CaCO₃
8. Septic tanks that are no longer in use shall be pumped out by a New York State Department of Environmental Conservation registered pumper and either removed or filled in with inert material within sixty (60) days of obsolescence.
9. Land Based Holding Tanks
 - a. Land based holding tanks shall not be installed for either full-time or part-time use except under the following conditions:
 - i. where occupancy of a structure is permitted while the onsite wastewater treatment system or public sewer to serve the property is under construction, or
 - ii. as replacements for existing failing land based holding tanks, or for those cases where a land based holding tank is the only possible repair or replacement alternative for an existing onsite wastewater treatment systems where conditions preclude the replacement of onsite wastewater treatment system due to parcel size limitations, poor soil conditions, or insufficient depth to bedrock or groundwater. All holding tanks shall be designed and installed in accordance with the standards established in [10 New York Codes, Rules, and Regulations \(NYCRR\) Part 75 \(Appendix 75-A\)](#). The authority to approve the installation of land based holding tanks shall rest with the county health department having jurisdiction.
 - b. Land based holding tanks shall not be placed within fifty (50) feet of Owasco Lake or a watercourse. A variance may be granted by the professional engineer for the County Health Department having jurisdiction. Copies of all variances must be forwarded to the Owasco Lake Watershed Inspection and Protection Division by the county health department having jurisdiction.
 - c. Land based holding tanks shall be equipped with an audio or visual alarm indicating when the tank will soon be full and in need of a pump out. The owner of a holding tank shall maintain, for a period of three (3) years, receipts submitted to the property owner by the waste hauler for pumping out a land based holding tank. The receipts shall be made available upon request of the county health department having jurisdiction or the Owasco Lake Watershed Inspection and Protection Division.

- d. If site conditions, including but not limited to proximity to Owasco Lake or a watercourse, steep slopes, erodible or unstable soils or high groundwater, indicate that the installation of a land based holding tank, or the continued use of an existing land based holding tank would pose a potential for contamination to Owasco Lake or a watercourse, additional safeguards will be required. These safeguards may include, singly or in combination, such mitigating measures as runoff and groundwater diversion structures, structural supports to prevent movement, secondary containment structures around the land based holding tank and system components, or mandatory pumping intervals.

10. Privies

- a. New construction of privies shall be allowed only if the following conditions are met:
 - i. The privy is not within one hundred (100) feet of a watercourse or three hundred (300) feet of the *high water mark of Owasco Lake*, and
 - ii. A minimum three foot (3') vertical separation exists between the bottom of the privy and high groundwater, mottling, bedrock, or impervious layer, as verified by a New York State licensed professional engineer or registered architect, and
 - iii. The installation is approved by the county health department having jurisdiction.
- b. When the pit contents of a privy are within eighteen (18) inches of ground level, the pit shall be filled to ground level with no less than eighteen (18) inches of soil and tamped down.
- c. No privy shall be constructed, placed, maintained or allowed to remain within one hundred (100) feet of the *high water mark of Owasco Lake* or a watercourse.

11. Non-Waterborne Toilet Systems

- a. A non-waterborne toilet system shall only be allowed if the following conditions are met:
 - i. The system is designed in accordance with the standards established in [10 New York Codes, Rules, and Regulations Part 75 \(Appendix 75A\)](#).
 - ii. The system is not located within fifty (50) feet of Owasco Lake or watercourse, and
 - iii. The installation is approved by county health department having jurisdiction

12. Only licensed waste haulers as described in [6 New York Codes, Rules, and Regulations Part 364](#) may pump or transport human excreta, sewage, composted excreta, or wastewater. When handling sewage and wastewater, licensed waste haulers shall exercise all necessary care to prevent contamination of Owasco Lake or a watercourse.

13. Any alteration, addition, repair, or replacement of an existing onsite wastewater treatment system shall conform to [10 New York Codes, Rules, and Regulations Part 75 \(Appendix 75-A\)](#) and any applicable regulations of the county health department having jurisdiction. If conformance is not possible for reasons including, but not limited to insufficient or limited available area on the parcel, or limiting soil conditions, a *variance* from this regulation may be granted by the professional engineer for the county health department having jurisdiction. Copies of all *variances* must be forwarded to the *Owasco Lake Watershed Inspection and Protection Division* by the county health department having jurisdiction.

14. No new construction or alteration, addition or change of use (for example, conversion from garage into a bedroom) of existing dwellings or commercial buildings not on public sanitary sewer shall be

undertaken, until such time as the county health department having jurisdiction has been notified and has:

- a. Issued an approval for the construction of a new onsite wastewater treatment system; or
 - b. Issued an approval for the alteration, addition or repair of the existing onsite wastewater treatment system; or
 - c. Issued a written notice indicating acceptance of the existing onsite treatment system for the proposed construction, alteration, addition or change in use.
15. All proposed installations of onsite wastewater treatment systems, including the alteration, modification, addition, repair, or replacement, excluding minor repairs, shall be designed by a design professional as defined in [10 New York Codes, Rules, and Regulations Part 75 \(Appendix 75-A\)](#). Minor repairs shall be defined or determined by the County Health Department having jurisdiction. Prior approval from the county health department having jurisdiction for the construction or alteration, addition, repair, or replacement must be obtained.
16. Owners of *dwelling*s with onsite wastewater treatment systems on properties fronting Owasco Lake must provide the following if providing *short term rentals*:
- a. Notification of the intent to rent is given by the property owner or their agent to the Owasco Lake Watershed Inspection and Protection Division by May 1st of each year.
 - b. Notification shall include the address of the rental property and the time period(s) during which it is intended to be rented.

VI. PESTICIDE USE

1. Pesticides shall not be applied in a manner or at a rate which contravenes the water quality standards set forth in the current version of [6 New York Codes, Rules, and Regulations Parts 700-705](#).
2. Use of *watercourses* as a source of water or for makeup water or washing of equipment used in conjunction with pesticides without the use of an anti-siphoning device in accordance with the current version of [6 New York Codes, Rules, and Regulations Part 325](#) is prohibited.
3. No pesticides shall be discharged, applied or allowed to enter into Owasco Lake, a *watercourse*, or a *stormwater conveyance* such as a roadside ditch, unless a permit to do so has been obtained from the appropriate State agency having jurisdiction.
4. No person shall apply or discharge pesticides to any *impervious area* including parking lots, roadways, and sidewalks. If such application or discharge occurs, the pesticide must be immediately contained and either legally applied or placed in an appropriate container.

VII. STORAGE OF PETROLEUM, CHLORIDE SALTS, & COAL

1. Petroleum Storage
 - a. *Bulk Storage*

- i. Whenever mandatory notification to the New York State Department of Environmental Conservation is required regarding a discovery of a leak, notification to the *Owasco Lake Watershed Inspection and Protection Division* is also required at the same time notification to the New York State Department of Environmental Conservation is made.
- ii. Inventory monitoring reports and leak detection test reports shall be made available to *Owasco Lake Watershed Inspection and Protection Division* personnel upon request.
- iii. Facility inventory records and previous leak detection reports shall be made available to *Owasco Lake Watershed Inspection and Protection Division* personnel upon request.
- iv. All permit applications for the installation of new or the modification of petroleum storage facilities shall be forwarded to *Owasco Lake Watershed Inspection and Protection Division* for review and comment.

b. *Non-Bulk Storage*

- i. Property owners with any underground storage tanks or basement heating oil tanks must notify the *Owasco Lake Watershed Inspection and Protection Division* and New York State Department of Environmental Conservation in the event that a leak is discovered.
- ii. Effective [date], use of underground petroleum storage tanks located less than one hundred (100) feet from the *high water mark of Owasco Lake and floodplains* shall be prohibited. The property owner must notify the *Owasco Lake Watershed Inspection and Protection Division* ten (10) days prior to discontinuing use of such tanks.

2. Storage of Chloride Salts and Coal

- a. Storage of chloride salts and coal is prohibited except in structures designed to minimize contact with precipitation and built on a pad designed to control seepage and runoff from chloride salt and coal storage. No chloride salt shall be stored within five hundred (500) feet of the high water mark of Owasco Lake or a watercourse except in weatherproof buildings or watertight vessels.

VIII. SEDIMENT GENERATION & CONTROL

1. *Soil disturbing construction activities* which expose five thousand (5000) square feet or more and one (1) acre or less of soil are prohibited except under the following conditions:
 - a. Notification of the proposed action is given by the property owner or their agent to the *Owasco Lake Watershed Inspection and Protection Division*, no less than ten (10) calendar days prior to commencing the action.
 - i. The notification shall include the location of the action; a description of the action, and a time frame for the action.
 - b. Soil and erosion control mitigation measures as outlined in the most recent version of New York State Standards and Specifications for Erosion and Sediment Control shall be implemented.

IX. NUTRIENT MANAGEMENT

A. General Prohibitions on the Application of Manure and Commercial Fertilizers:

1. No later than January 1, 2025, operators of farms with seven (7) or more acres of land used in agriculture production and that apply commercial fertilizers and/or manure, not including farms that are already covered under a current State Pollution Discharge Elimination System (SPDES) General Permit for Confined Animal Feeding Operations:
 - a. Shall have and comply with a current *farm management plan* that specifies appropriate rates and volumes of application of manure and/ or commercial fertilizer and that is prepared by or under the supervision of an *appropriately credentialed individual*. Locations, rates and volumes specified in the plan shall be determined by following the [United States Department of Agriculture Natural Resource Conservation Service Conservation Practice Standard \(Code 590\)](#) for nutrient management.
 - b. Shall not apply manure or commercial fertilizer on soils that are snow-covered (4"+), *fluid-saturated*, *frozen-saturated* or encumbered by significant surface icing unless the application is consistent with emergency provisions of a *farm management plan* prepared by or under the supervision of an appropriately credentialed individual. Such emergency provisions shall address where and how manure will be applied when, due to unforeseen circumstances, it is necessary to prevent or respond to an overflow or discharge from a waste storage structure. The unforeseen circumstances must be beyond the control of the owner of the farm and include but not be limited to natural disaster, unusual weather conditions, or equipment or structural failure. The operator shall notify the Owasco Lake Watershed Inspection and Protection Division within 48 hours of implementing such emergency provisions.
2. Operators of farms for which *farm management plans* are required by these regulations shall maintain, for a period for twenty four (24) months, records of all manure and/or commercial fertilizer application activities. The records shall include the rates and volumes of application.
3. Except for when commercial fertilizer is applied during maintenance or repair of a *stormwater conveyance* such as a roadside ditch, the discharge or disposal of manure and/or commercial fertilizer to Owasco Lake, a *watercourse*, or a *stormwater conveyance* such as a roadside ditch, is prohibited.

B. Vegetated Buffers and Nutrient Application Setbacks

1. Except as provided in Paragraph 2, no later than January 1, 2025, a *vegetated buffer* of a minimum of thirty five (35) feet must be maintained between croplands and the *top of the bank* of any down-gradient *watercourse*.
2. The requirement for a thirty five (35) foot *vegetated buffer* as specified in Paragraph 1 may be waived via the Variance procedure specified in Section IX, VARIANCES, by the Owasco Lake Watershed Committee if:

- a. Information provided in a *farm management plan* prepared by or under the supervision of an *appropriately credentialed individual* indicates that a *vegetated buffer* is not necessary to mitigate the movement of nutrients to a *watercourse*, or
 - b. A vegetative buffer of a lesser width, or some other practice or set of practices intended to mitigate the movement of nutrients to a *watercourse*, is implemented as specified in a *farm management plan* prepared by or under the supervision of an *appropriately credentialed individual*.
3. No later than January 1, 2025, a *vegetated buffer* of a minimum of ten (10) feet must be maintained between croplands and the *top of the bank* of any down-gradient roadside ditch or *surface inlet*.
 4. A minimum distance of two hundred (200) feet must be maintained between *manure* and/or *commercial fertilizer applications*, including applications on residential property, and the *high water mark* of Owasco Lake.
 5. *Manure* and/or *commercial fertilizer* shall not be applied less than thirty five (35) feet from the *top of the bank* of a *watercourse* or ten (10) feet from the *top of the bank* of a roadside ditch or *surface inlet* except for when establishing a *vegetated buffer*.
 6. A minimum distance of a hundred (100) feet must be maintained between *manure* and/or *commercial fertilizer applications* and private water supply wells or springs.
 7. A minimum distance of two hundred (200) feet must be maintained between *manure* and/or *commercial fertilizer applications* and public water supply wells or springs.

C. Application of Manure or Commercial Fertilizers on Impervious Areas

1. No person shall apply or discharge *manure* or *commercial fertilizer* to any *impervious area* including parking lots, roadways, and sidewalks. If such application or discharge occurs, the *manure* or *commercial fertilizer* must be immediately contained and either legally applied or placed in an appropriate container.

D. Silage Leachate and Milking Center Wastewater

1. Silage leachate and *milking center wastewater* shall not be discharged into Owasco Lake, a *watercourse*, or a *stormwater conveyance* such as a roadside ditch.
2. *Milking center wastewater* and silage leachate shall not be discharged to the ground. *Milking center wastewater* and silage leachate shall only be discharged to an appropriate treatment or collection system.

E. Agricultural Associated Animal Waste Storage Areas

1. No *manure stacking area* shall be located within three hundred (300) feet of the *high water mark* of Owasco Lake, the *top of the bank* of a down-gradient *watercourse* or roadside ditch, or a down-gradient *surface inlet*.

2. No new or expanded *agricultural waste storage impoundment or containment facility* shall be located within two hundred and fifty (250) feet of the *high water mark of Owasco Lake, a watercourse, or a stormwater conveyance* such as a roadside ditch.
3. New or expanded *agricultural waste storage impoundment or containment facilities* shall be certified by a qualified professional (Professional Engineer or United States Department of Agriculture Natural Resource Conservation Service employee with appropriate job approval authority) as meeting current United States Department of Agriculture Natural Resource Conservation Service standards and specifications.

F. Feed Storage Areas

1. No *feed storage area* shall be located within two hundred and fifty (250) feet of the *high water mark of Owasco Lake, the top of the bank of a down-gradient watercourse or roadside ditch, or a down-gradient surface inlet* unless all runoff from the *feed storage area* is collected and directed to an *agricultural waste storage impoundment or containment facility* or to a designated treatment area.

G. Livestock Access to Owasco Lake and Watercourses

1. Livestock access to *watercourses* shall be prohibited except at designated crossings or areas designed, constructed, and used in such a way as to:
 - a. Minimize streambank and streambed erosion;
 - b. Minimize the amount of time that animals are required to be in contact with the water; and
 - c. Allow for maintenance in a manner that is protective of the water quality of the watercourse.

H. Access to Farm Management Plans

1. Operators of farms for which *farm management plans* are required by these regulations shall make the *farm management plans* available for review by the Owasco Lake Watershed Inspection and Protection Division upon request.

X. REMEDIES FOR VIOLATION

1. Remedies for Violation: Remedies for violation of these rules and regulations shall be those specified by [Article 11 of the Public Health Law](#) and any other law where applicable.

XI. VARIANCES

1. The *Owasco Lake Watershed Inspection Committee*, following a review of a written application from a property owner or person managing or operating a site, may grant a *variance* from these regulations.
2. The *Owasco Lake Watershed Inspection Committee*, in reviewing an application for a *variance*, shall consult with one or more persons with expertise in the matters relevant to the application and authorized by the City of Auburn and the Town of Owasco to provide advice to the committee.
3. The *Owasco Lake Watershed Inspection Committee* may grant a *variance* when it reasonably appears that:
 - a. the physical characteristics of the site are such that the application of the regulation for which the *variance* is being sought is not necessary to protect the water quality of Owasco Lake, a *watercourse* or *stormwater conveyance* such as a roadside ditch; or
 - b. Adequate alternative provisions have been made to protect the water quality of Owasco Lake, a *watercourse* or *stormwater conveyance* such as a roadside ditch.
4. The *Owasco Lake Watershed Inspection Committee*, in the granting of *variances*, shall grant the minimum *variance* that it shall deem necessary and adequate to protect the water quality of Owasco Lake, a *watercourse* or *stormwater conveyance* such as a roadside ditch.
5. *Variances* may be considered and granted only on an individual, site specific basis.
6. The *Owasco Lake Watershed Inspection Committee* may impose expiration dates for *variances*. If no expiration date is imposed, a *variance* shall remain in effect for as long as the conditions at the site remain unchanged. If the conditions at the site change, the *variance* expires.
7. The *Owasco Lake Watershed Inspection Committee*, may revoke a *variance* if, based on evidence it receives after granting the *variance*, the *Owasco Lake Watershed Inspection Committee* determines that it is in fact necessary to apply the regulation for which the *variance* was granted in order to protect the water quality of Owasco Lake, a *watercourse* or *stormwater conveyance* such as a roadside ditch.
8. *Variances* to the required vegetative buffer widths and *manure* and/or *commercial fertilizer* spreading setbacks and prohibitions may be considered upon request on a site specific basis and granted by the *Owasco Lake Watershed Inspection Committee* based on information contained in supporting documentation.
9. An application for a *variance* shall at a minimum:
 - a. Include the applicant's name, address, and their interest in the subject property; and the owner's name and address if different from the applicant;
 - b. Include the owner's signed consent to the application if made by any person or entity other than the owner of the site;
 - c. Include the County tax map identification number as well as the street address and/or a description of the location of the subject site;

- d. Specify the specific provision of these Rules and Regulations from which the *variance* is sought;
- e. Assess the potential impact on water quality from the issuance of the *variance*;

Include evidence that: 1) the physical characteristics of the site are such that the application for the regulation for which the *variance* is being sought is not necessary to protect the water quality of Owasco Lake, a *watercourse* or *stormwater conveyance* such as a roadside ditch, or 2) adequate alternative provisions have been made to protect the water quality of Owasco Lake, a *watercourse* or *stormwater conveyance* such as a roadside ditch.

10. The *Owasco Lake Watershed Inspection Committee* shall act on all *variance* requests as soon as practicable but no later than forty five (45) calendar days of receipt of a properly prepared *variance* application. After reviewing the application, the *Owasco Lake Watershed Inspection Committee* will render a decision to grant, grant with conditions, or deny a *variance* application. Violations of the conditions of a *variance* shall result in the nullification of the *variance*. The decision to grant, grant with conditions, or deny a *variance* shall be made in writing. Notices of decisions shall be provided to the municipal clerks of the City of Auburn and the Town of Owasco.

XII. SEVERABILITY CLAUSE

1. If any term or provision of these Rules and Regulations shall, to any extent, be invalid or unenforceable, the remainder of these Rules and Regulations, or the application of such term or provision to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby, and each remaining term and provision of these Rules and Regulations shall be valid and be enforced to the fullest extent permitted by law.