

City of Auburn, New York

**COUNCIL RESOLUTION #139 OF 2018**

**SUPPORTING THE OWASCO LAKE WATERSHED MANAGEMENT COUNCIL'S  
LETTER URGING THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
TO RE-OPEN THE ENVIRONMENTAL CONSERVATION LAW CAFO PERMIT**

By Councilor Giannettino

October 4, 2018

**WHEREAS**, Owasco Lake is of paramount importance to the City of Auburn, surrounding townships, and Cayuga County, serving as a drinking water source for approximately 50,000 area-wide residents, providing diverse recreation opportunities such as fishing, swimming, and boating, and is one of the regions key economic development and tourism drivers; and

**WHEREAS**, in recent years, Owasco Lake has experienced seasonal Harmful Algal Blooms (HAB's) that continue to increase in intensity and contain toxins in high concentrations, threatening human health and compromising the intricate aquatic ecology of the lake itself; and

**WHEREAS**, nonpoint source pollution, including agricultural runoff, may cause or contribute to Harmful Algal Blooms; and

**WHEREAS**, The Department of Environmental Conservation (DEC) defines a Concentrated Animal Feeding Operations (CAFO) as any animal feeding operation that, for 45 days or more within any 12-month period, stables or confines in an area that does not produce vegetation, over 200 mature dairy cows; and

**WHEREAS**, The DEC regulates CAFOs through a permitting process; and

**WHEREAS**, CAFOs may apply for a permit pursuant to the Clean Water Act (CWA) or Environmental Conservation Law (ECL); and

**WHEREAS**, a recent court decision invalidated certain provisions of the CWA CAFO permit; and

**WHEREAS**, the DEC has promulgated a draft CWA CAFO permit which will allow for public comment and agency oversight of a CAFO's proposed Nutrient Management Plan; and

**WHEREAS**, the recent court does not touch on the ECL CAFO permit; and

**WHEREAS**, each and every CAFO within the Owasco Lake watershed is governed by the ECL CAFO permit and thus not affected by this move towards public transparency and agency oversight; and

**WHEREAS**, The Owasco Lake Watershed Management Council is an invaluable resource in protecting and preserving the lake and its watershed; and

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**WHEREAS**, The Owasco Lake Watershed Management Council has written the Commissioner of the DEC urging that the ECL CAFO permit be reopened to include the sound and practical changes made to the CWA CAFO; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Auburn City Council supports Owasco Lake Watershed Management Council in its efforts to protect and preserve Owasco Lake by urging the Commissioner of the DEC to close this regulatory loophole; and,

**BE IT FURTHER RESOLVED**, that the Auburn City Council does hereby request that the State Legislators representing the City of Auburn and County of Cayuga including, Senator John De Francisco, Senator James Seward, Senator Pamela Helming, Assemblyman Gary Finch and Assemblyman Bob Oaks work with their colleagues and the Commissioner of the DEC to effect such important regulatory parity; and,

**BE IT FURTHER RESOLVED** that the City Clerk forward certified copies of this resolution to the State representatives named above.

Seconded By Councilor Cuddy

	Ayes	Noes	Excused
Councilor McCormick	X		
Councilor Giannettino	X		
Councilor Cuddy	X		
Councilor Carabajal	X		
Mayor Quill			X
Carried and Adopted	X		