

OWASCO LAKE WATERSHED MANAGEMENT COUNCIL, INC.
Ed Wagner, OLWMC Chair

September 26, 2018

Basil Seggos, Commissioner
New York State Department of Environmental Conservation
625 Broadway
Albany, NY 12233-1011

Dear Commissioner Seggos:

Recently the New York State Department of Environmental Conservation (NYSDEC) released a draft Concentrated Animal Feeding Operation (CAFO) general permit for public review and comment. This permit is for those CAFOs seeking coverage under the Clean Water Act (CWA) general permit. It is our understanding that the NYSDEC has issued this draft permit as a result of a state Supreme Court decision that stated that the current CWA CAFO permit lacks public participation and agency oversight in the permit review process. In addition, the Court stated that there is an inherent conflict of interest in that the agricultural environmental management planners who are hired by a farm to develop its comprehensive nutrient management plan also certify to the NYSDEC that the plans are protective of water quality.

To address the Court's concerns, NYSDEC's draft CWA permit would require that a CAFO operator submit their Nutrient Management Plan to NYSDEC for its review to ensure that it is complete and adequate, and then this plan would be made available for public comment. In addition, the draft CWA permit would require that the owner/operator amend their nutrient management plan when there is any change in operation of the CAFO and then submit these amendments to NYSDEC for their review and approval prior to their implementation.

It is our understanding that there are no CAFOs operating within the Owasco Lake Watershed who are covered by CWA CAFO permit. All of the operations within our watershed are covered instead by the Environmental Conservation Law (ECL) CAFO general permit.

Deficiencies found by the state Supreme Court for the CWA CAFO permit are also integral to the ECL CAFO permit. Planners hired by the CAFOs certify to NYSDEC that the ECL covered CAFOs are doing what they should be doing to protect our surface waters. These plans however are kept confidential and are not reviewed by NYSDEC or other objective third party prior to implementation.

We respectfully request that NYSDEC reopen the ECL CAFO permit to incorporate those changes proposed in the draft CWA CAFO permit. In my opinion these changes would result in

OWASCO LAKE WATERSHED MANAGEMENT COUNCIL, INC.
Ed Wagner, OLWMC Chair

more transparency in the nutrient management plans which would then hopefully translate into improved water quality protection for our most precious resource - Owasco Lake.

Sincerely,



Edward Wagner, Chair
Owasco Lake Watershed Management Council

Cc: New York State Governor Andrew Cuomo
New York State Assemblyman Gary Finch
New York State Assemblyman Robert Oaks
New York State Senator John DeFrancisco
New York State Senator Pamela Helming
New York State Senator Robert Oaks
OLWMC Board of Directors