

**COUNCIL RESOLUTION #91 of 2021**

**REQUESTING THAT NEW YORK STATE DEPARTMENT OF HEALTH  
ADOPT WATERSHED RULES AND REGULATIONS  
FOR OWASCO LAKE AND ESTABLISH A TRANSPARENT PROCESS  
FOR THE TIMELY APPROVAL OF DRAFT WATERSHED RULES AND  
REGULATIONS DRAFTED BY OTHER COMMUNITIES**

By Councilor \_\_\_\_\_

July 15, 2021

**WHEREAS**, Public Health Law Article 11, Section 1100, allows the New York State Department of Health (NYSDOH) to promulgate watershed rules and regulations "for the protection from contamination of any or all public supplies of potable waters and water supplies of the state ... and their sources within the state;" and

**WHEREAS**, in 1984, pursuant to Public Health Law Section 1100, the New York State Department of Health adopted Title 10 of the New York Codes, Rules and Regulations, Section 104.1, which is commonly referred to as the Owasco Lake Watershed Rules and Regulations,

**WHEREAS**, under the Owasco Lake Watershed Rules and Regulations, the City of Auburn and the Town of Owasco are responsible for inspecting the watercourses within the watershed and for reporting violations in cases of noncompliance with the Cayuga County Health Department; and

**WHEREAS**, in 2017, as a part of the continued efforts to protect water quality and pursuant to their duty imposed by regulation, , the City of Auburn, the Town of Owasco and Cayuga County passed resolutions endorsing a project to update and revise the 1984 Owasco Lake Watershed Rules and Regulations; and

**WHEREAS**, the City of Auburn, Town of Owasco and County of Cayuga engaged in an intensive, community-based process which resulted in eight (8) steering committee meetings, five (5) public meetings, and more than ten (10) staff meetings, in a coordinated effort to create and recommend a revised draft of the Owasco Lake Watershed Rules and Regulations; and

**WHEREAS**, on October 29, 2020 the City of Auburn and Town of Owasco in a joint session endorsed and supported the revised Owasco Lake Watershed Rules and Regulations; and

**WHEREAS**, Comprehensive watershed rules and regulations have been used to actively improve the management of drinking water supplies serving New York City and the City of Syracuse, to address modern sources of pollution such as urban and agricultural storm water runoff, development, and erosion; and

**WHEREAS**, the revised Owasco Lake Watershed Rules and Regulations protect a body of water that serves as the drinking water source for 46,000 people in the City of Auburn, the Villages of Cayuga, Port Byron and Weedsport; the Towns of Aurelius, Brutus, Fleming, Throop, Mentz, Montezuma, Owasco, Sennett and Springport; the Cayuga County Water Authority and the Thruway Authority; and

**WHEREAS**, these are the first watershed rules and regulations submitted for consideration since New York State published its draft Framework for Creating a Drinking Water Source Protection Plan, which identifies Watershed Rules and Regulations as a tool for protecting and managing water supplies, “especially in watersheds that fall within several municipalities;” and

**WHEREAS**, most of the watersheds for reservoirs, lakes and rivers that serve as drinking water sources for communities in New York State, as well as some of the recharge areas for wells serving as drinking water sources, are each located in several municipalities; and

**WHEREAS**, drinking water source protection is a public health issue, as well as an environmental justice issue, with downstream communities reliant on, and often powerless to influence, decisions made by upstream communities affecting their drinking water sources; and

**WHEREAS**, watershed rules and regulations are established by the state, but are tailored to specific pollution concerns affecting each local water source and its watersheds; and

**WHEREAS**, watershed rules and regulations specifically empower downstream communities with certain authorities to protect their water sources; and

**WHEREAS**, watershed rules and regulations can give municipalities jurisdiction to inspect the entire watershed of their drinking water supply for violations of Watershed Rules and Regulations, issue notices of violation, and refer uncorrected violations to NYSDOH for investigation and enforcement; and

**WHEREAS**, watershed rules and regulations can work prospectively by influencing proposed projects that require local, state, or federal approval; prior to approval, these proposed projects must be found to be in compliance with all laws, including any applicable watershed rules and regulations; and

**WHEREAS**, while other federal, state and local laws are designed to protect drinking water supplies, frequent episodes of contamination, and emerging threats from unregulated contaminants, harmful algal blooms, disinfection byproducts and other water quality concerns indicate gaps in the existing protections that watershed rules and regulations can help address; and

**WHEREAS**, most watershed rules and regulations in effect were last updated decades ago, and many water sources have no watershed rules and regulations in effect, leaving many communities without effective protections; and

**NOW, THEREFORE, BE IT RESOLVED** the Auburn City Council continues to urge the NYSDOH to adopt the updated Owasco Lake Watershed Rules and Regulations as supported and endorsed by the City of Auburn and Town of Owasco; and

**BE IT FURTHER RESOLVED**, the Auburn City Council expresses its support for all New York State communities that are, or plan to be, engaged in the process of updating or creating watershed rules and regulations for the protection of their drinking water sources, and in particular the Owasco Lake watershed communities; and

**BE IT FURTHER RESOLVED**, in furtherance of its desire to support all New York State communities that are, or plan to be, engaged in the process of updating or creating watershed rules and regulations for the protection of their drinking water sources, the Auburn City Council, with the assistance of the environmental advocacy group Riverkeeper, has drafted a letter of support and a sample resolution, attached and incorporated hereto, which will be disseminated to watershed communities of the Finger Lakes and beyond; and

**BE IT FURTHER RESOLVED**, the Auburn City Council urges the Department of Health to establish a transparent process for the timely approval of updated draft watershed rules and regulations submitted by other communities; and

**BE IT FURTHER RESOLVED**, this resolution be sent to local and state Departments of Health, Governor Andrew M. Cuomo, and state Assembly and Senate representatives whose districts include the City of Auburn, Owasco Lake, and its watershed.

Seconded by Councilor \_\_\_\_\_

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