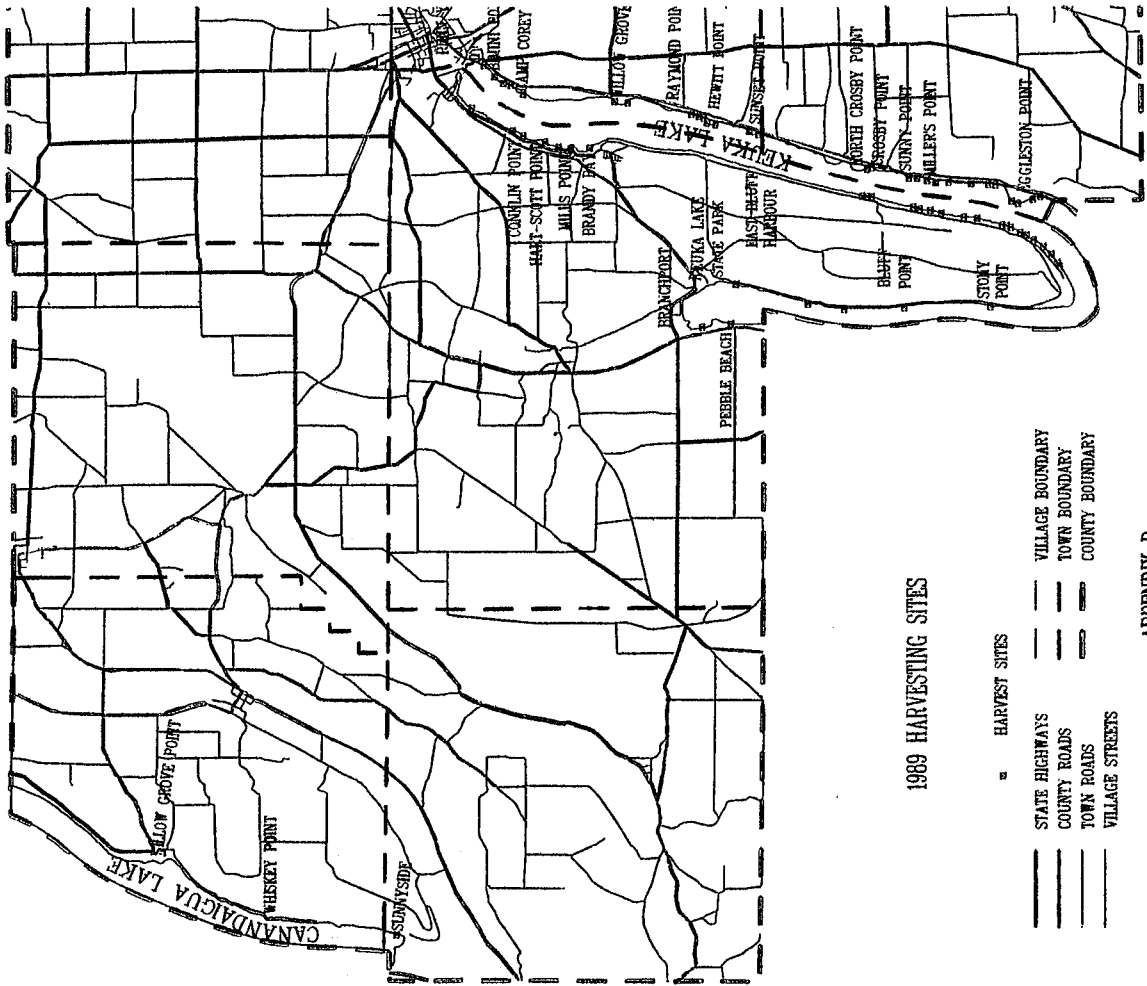


YATES COUNTY AQUATIC VEGETATION CONTROL PROGRAM



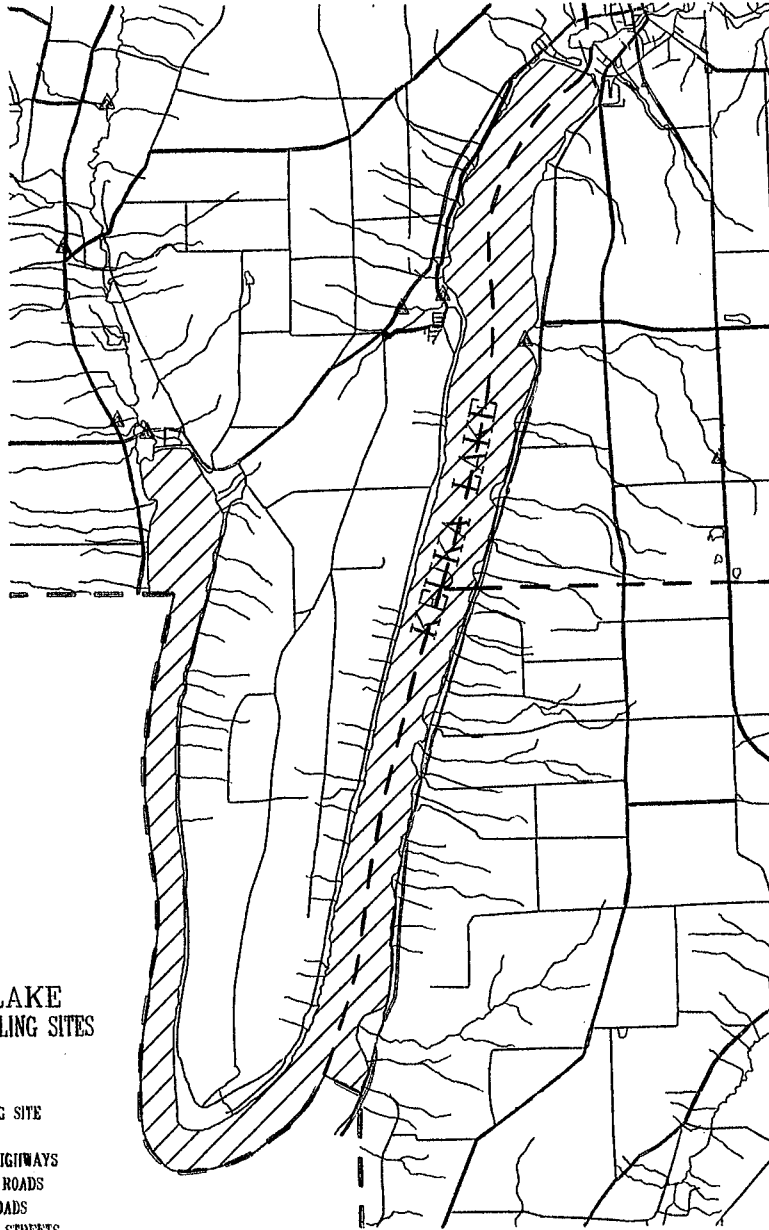
1989 HARVESTING SITES

- HARVEST SITES
- STATE HIGHWAYS
- COUNTY ROADS
- TOWN ROADS
- VILLAGE STREETS
- VILLAGE BOUNDARY
- TOWN BOUNDARY
- COUNTY BOUNDARY



APPENDIX B

YATES COUNTY

AQUATIC VEGETATION CONTROL PROGRAM



KEUKA LAKE TRIBUTARY SAMPLING SITES

-  SAMPLING SITE
-  STATE HIGHWAYS
-  COUNTY ROADS
-  TOWN ROADS
-  VILLAGE STREETS
-  VILLAGE BOUNDARY
-  TOWN BOUNDARY
-  COUNTY BOUNDARY

APPENDIX D

SUMMARY OF DRAFT WATERSHED DISTRICT LEGISLATION

Section 1, 2: Authorizes and creates a Keuka Lake Watershed Protection District.

Section 3: The District will include the Towns of Barrington, Jerusalem, Milo, Pulteney, Urbana, and Wayne, and the Villages of Hammondsport and Penn Yan.

Section 4: Voters include residents of the district and those who own property in the district.

Section 5: The District is run by a board of commissioners which are appointed as follows: one commissioner each from the towns of Barrington, Milo, Pulteney, Urbana, and Wayne; two commissioners from Jerusalem. Each commissioner is appointed by the respective town board. The mayors of Penn Yan and Hammondsport shall each appoint one commissioner. Commissioners will serve staggered three year terms.

Section 6, 7: A permissive referendum is required if a municipality wants to withdraw from the District. Municipalities must participate for at least four years after the District is formed then notice of withdrawal must be given at least one year in advance.

Section 8: The District's authority will include:

1. Watershed inspections and regulations (septic systems)
2. Lake level administration
3. Dock/deck/pier regulation
4. Technical support to aquatic vegetation programs
5. Miscellaneous administrative powers.

Section 9: A popular vote is needed for major capital expenditures, etc.

Section 10: Towns may contract indebtedness for the district.

Section 11: Revenue will come from fees for various services and from water useage fees paid by villages. Contributions from towns will be based on population, area, shoreline length, etc.

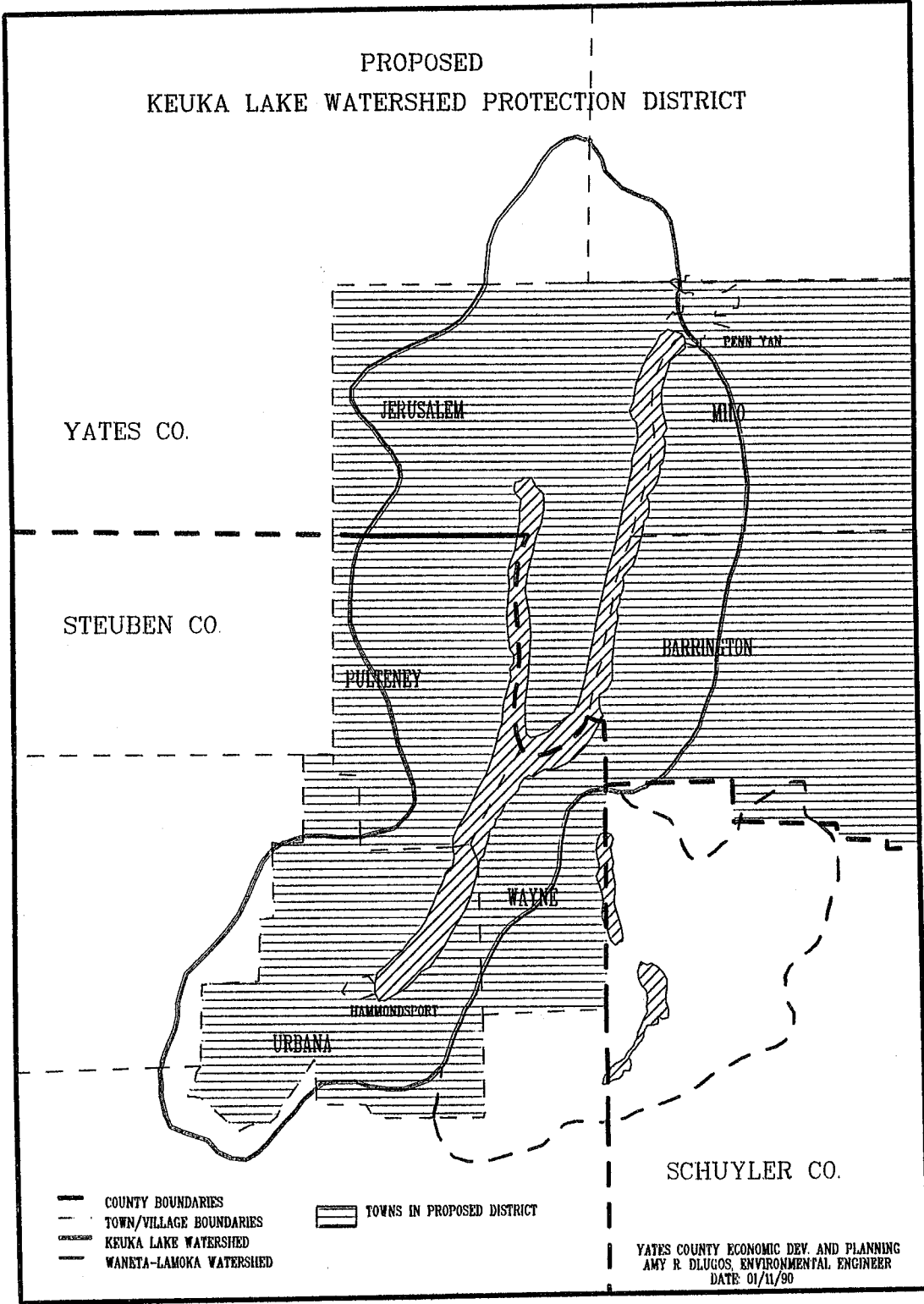
Section 12, 13: Outline the duties of secretary and treasurer.

Section 14: Outlines the legal claims procedure.

Section 15: If one part of the legislation is ruled invalid, the rest remains in force.

Section 16: Takes effect as soon as enacted.

PROPOSED
KEUKA LAKE WATERSHED PROTECTION DISTRICT



APPENDIX F
NEWSPAPER CLIPPINGS

Daily Messenger

OL. 193, NO. 88

CANANDAIGUA, N.Y. — THURSDAY, MAY 4, 1989

Stern warning on lake quality

By C.A. JAMISON
Messenger Staff Reporter

CANANDAIGUA — Canandaigua Lake will suffer a "noticeable deterioration" in the next decade unless strong action is taken to stop erosion and other harmful activities.

A just-released report on the state of the lake concludes that rapid development and farming in the watershed pose the most serious threats.

"The 10-year picture is where I see a turning point being reached. If we have allowed current practices to continue unabated for that long we will have undoubtedly experienced a noticeable deterioration in water quality," said environmental consultant Scott Sherwood in his report to Canandaigua Lake Pure Waters Ltd.

This is the fourth such report in the last 12 years.

According to Sherwood, about 45 percent of the land that drains into the lake is used for farming and about 5 percent is developed.

Soil and a variety of chemicals are routinely washed from those areas into the lake. Until now, the results have been subtle: an apparent increase in weed growth and a slight reduction in water visibility.

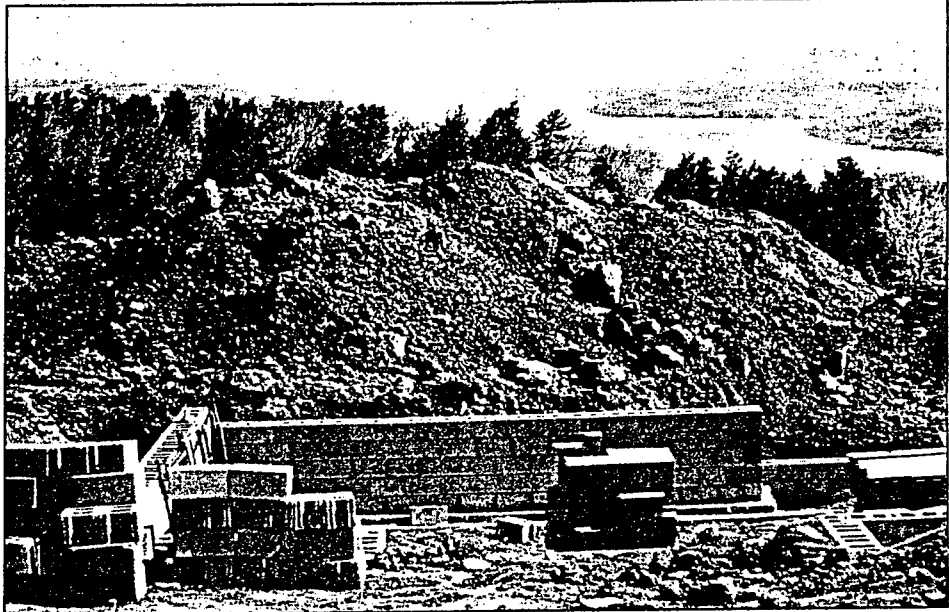
But that may be changing.

Patches of dense weeds already exist at the southern end of the lake and are moving northward, Sherwood said, and for the first time, a bed of Eurasian Milfoil has been identified in the lake.

The plant is bothersome because it spreads after being cut and lives at the expense of other plants.

Tests taken last year also show average water visibility readings of 4.3 to 4.8 meters, Sherwood said, which indicate

Report: Lake could suffer 'noticeable deterioration'



Building lake problems?

Messenger photo by Mike Fowler

Views of Canandaigua Lake such as this draw many builders and prospective homeowners to the lake's watershed. But some observers are voicing concern that the increased construction can lead to erosion-related pollution of the lake.

the lake may be moving from an Oligotrophic state characterized by high clarity and low weed growth to a Mesotrophic state of decreasing visibility and more weeds.

Sherwood also noted that the state continues to advise residents to limit consumption of large lake trout caught in Canandaigua Lake. Those fish have been found to contain DDT levels that exceed federal standards.

Sherwood said a decline in the lake's quality is not inevitable.

He recommends several

steps, including practice of erosion-control methods on farmland and construction sites, maintenance of septic systems near the lake and reductions in the use of lawn fertilizers, pesticides and herbicides.

Sherwood also emphasized the quality of the lake's water remains high compared to many other bodies of water. Acidity in the lake, for example, is not a problem, and other tests continue to show generally good water quality.

Sherwood is also buoyed by an apparent increase in awareness

among local elected officials, many of whom have voted to implement policies to protect the lake.

Developers and others in business are also beginning to show greater sensitivity as well, he said.

Bristol Harbour Golf Club, for example, may pay to monitor chemical runoff from that site.

"It's a good example of a...corporation taking an environmentally sound step," said Sherwood.

He concluded that "(People) shouldn't be pessimistic, but they shouldn't be complacent."

Finger Lakes Times

Tuesday
May 9, 1989

Kuhl pledges to fight for lake weed harvesting

By MAURICE DUMAS

PENN. YAN — State Sen. John "Randy" Kuhl said yesterday he's optimistic that funding will be restored by July to keep weed harvesters afloat on most of the Finger Lakes.

The unexpected cutoff of some \$3.2 million in state aid has threatened the harvesting of lake weeds. The money, approved by the state Legislature last year but mostly not spent, was to go to the 15 counties on the Finger Lakes Water Resources Board, including Ontario, Seneca, Wayne and Yates.

Kuhl, R-Hammondsport, said he and other senators will negotiate with the governor's office and the state Assembly to recover at least some of the money, which was eliminated from the re-appropriation section of the state budget. The program is vital not only to improve water quality but also to boost the local economy, he said.

"Tourism is the basis for economic development and economic growth in our area," said Kuhl. "The basis of that tourism is the beauty and cleanliness of our lakes. If you have lakes dying or overgrown with weeds, that discourages boating and fishing as a lure for tourists."

The amount of money earmarked for local counties was: Ontario, \$97,000; Seneca, \$305,000; Wayne, \$193,000; and Yates, \$250,000. Although all of the money may not be retrieved, Kuhl said he is hopeful the essential elements of various programs will continue this summer.

Only a small percentage of the \$3.2 million had been spent by the end of the state fiscal year on March 31. Most counties had not even received their checks and the majority of the projects are slated for the summertime.

The executive committee of the Water Resources Board met Friday at the Finger Lakes Association in Penn Yan to hear a report from

board Director Robert Brower, Cayuga County planner.

Brower, accompanied by board Chairman Tom Harvey, an Ontario County planner, spent two days last week in Albany conferring with state representatives and administration officials. They brought back little good news.

"It's pretty easy to get discouraged," said Brower, who warned members not to give in to a feeling of futility.

During the meeting, county representatives outlined the adverse effects of the unexpected cutoff.

"Unless there is, in fact, state money, we're almost entirely out of business," said Jim Smith, manager of the Wayne County Soil and Water Conservation District.

Some programs already have either been slowed down or stopped altogether, especially much of the long-range planning, erosion control and water testing. A great deal of effort is being expended to keep the highly visible and popular part of the program in operation — the harvesting of lake weeds.

Each county is to receive money from the \$1 million that the state did appropriate for 1989-90. Each share is sharply reduced: Ontario, \$32,000; Seneca, \$96,000; Wayne, \$91,000; and Yates, \$55,000, and the money is not expected to arrive until next year, too late to use this summer.

Harvey said Ontario's priority is to keep coordinator Robert Pierce working. He expected some weeds to be harvested from Honeoye Lake, but predicted a reduction in efficiency and production. As far as scientific research and development, "that's out the window; that's gone," he said.

Rich Williams of Seneca County used similar language. Without state funding, he said, "all our programs would go down the tubes," including weed harvesting in Cayuga Lake.

Yates County Planner Martin

DeVinney said he is concerned about a \$68,000 contract with a consultant to help towns develop local laws to prevent erosion.

Brower said that program was so innovative it had attracted attention across the state. "It's a long-term approach with great promise," he said.

With no money, that promise may not be realized.

One person who spent most of the meeting with a look of concern on her face was Amy Dlugos, the newly hired environmental engineer in Yates County. If county officials determine the state funding is irrevocably lost, she will lose her job, after moving here and buying a home in Dundee.

"It's hard; I'm just in limbo now," said Dlugos. "We'll have to wait and see."

Brower urged all the participants to remain politically involved and to continue to contact state officials and area representatives. Already, there has been an outpouring of support to save the weed control program, he said.

"We have to keep pouring it out," said Brower.

The board's assessment of possible damage went further than just the loss of money.

It became clear during the meeting that promises made in the expectation of the arrival of state funds will not be kept. Signed contracts may have to be broken, ordered materials sent back, and some staff members will lose their jobs. Also, working relationships with county legislators could be strained, board members agreed.

"The political and financial ramifications of dumping a program after the checks have been issued and monies spent is beyond comprehension," said Robert Williams, director of Wayne's aquatic weed program.

"Credibility is something you labor for for 20 years, and then lose overnight," said Smith.

Weed control updated

PENN YAN -- Yates County Soil and Water Conservation District's Aquatic Vegetation Control Program officials have had many questions come to their attention during the summer regarding the weed harvesting program.

Some of those questions deal with the reasons for harvesting, how areas are selected for treatment and about additional programs. In an effort to answer those questions, the officials have issued this update on the program.

Harvesting nuisance aquatic weeds from the lakes bordering Yates County, is a short-term measure that addresses the symptoms of a problem, according to Jim Balyzak, aquatic plant control technician.

The causes of the problem are usually the additions of sediment and nutrients to the lake which result in localized areas of excessive weed growth, he said.

Mechanical harvesting serves as a short-term measure to help keep this excessive growth in check. It opens up areas of heavy weed growth that preclude full use of the lakes and helps to maintain the county's high quality

water resources, Balyzak explained.

In addition, removing the harvested weeds completely from the lake helps to remove some of the nutrients that would otherwise be recycled into future weed growth.

Selection of treatment areas is based upon the degree of the problem, the technician said. Areas normally targeted for harvesting have beds of weeds that encroach upon shore and restrict use of the lake. Often times weed beds are isolated from shore or are in spots not interfering with the use of the lake. Those beds are normally not targeted for treatment, but are left for their recreational fishing opportunities, he further explained.

This year, harvesting began on Canandaigua Lake along Sunnyside Drive on the extreme southeastern shore. The southern end of Canandaigua Lake is very fertile and has very heavy weed growth, Balyzak said. The objective there was to open up an area parallel to shore and extending out approximately 200 feet to provide access and to create an additional accessible weed edge for fishing. Approximately 100 tons of nuisance vegetation was removed from an area of approximately 5 acres.

On Keuka Lake, major nuisance weed beds were harvested in areas such as Bimini Point, Brandy Bay, Camp Iroquois and Branchport, as well as numerous localized problems along East Lake Road, East Bluff Drive and West Bluff Drive.

Access for the shore-based equipment has proven to be a major obstacle on Keuka Lake, Balyzak noted. Harvesting efficiency decreases as the distance to unload at shore increases.

Access points that have worked well this season, he said, include Keuka College Point, Crosby Point area, Eggleston Point, Keuka Lake State Park and Kelly's Marine in Branchport.

Plans for 1990 are to be able to treat more areas with the proper staff and budget, since the hold up with the state funding seems to have been worked out, program officials said.

The Soil and Water Conservation District office also plans to reinstate programs that had to be cut this year due to the funding crisis. These programs include a vineyard mulching program and critical area roadbank stabilization projects that will address some of the causes of sediment and nutrients reaching the waters.

For erosion control

Technical assistance available

PENN YAN — Water quality is a major concern these days, with much attention being given to erosion and its effects on that water quality.

Because of these concerns, the Yates County Soil and Water Conservation District wants to make everyone aware that it is available to provide technical assistance for projects that may have an effect on erosion, and thus, water quality.

"Nonpoint source pollution accounts for 80 percent of the pollutants that go into our waters," district officials explain, noting that that fact brings to mind such questions as: What can be done? Who is responsible? Why isn't someone in charge?

"These are simple questions to ask, but difficult to answer," district officials say. Basically the particulars of each situation

determine who has responsibility or authority, they say.

Recently there has been a great deal of attention drawn to erosion, with particular interest directed toward erosion from various activities in close proximity to the area lakes.

Erosion can come from housing sites, developments, and roads and driveways to name a few, district officials say. And, each can add major amounts of sediment deposition if not properly managed.

"Erosion doesn't just effect the construction site but those downstream as well," the officials explain. "Many times the ones downstream more so."

Each town board determines how comprehensive the zoning regulations will be in that town, and district officials say towns need to adopt guidelines that require site plans which detail what erosion control measures will be taken.

The Yates County Soil and Water Conservation District is available to provide technical assistance, district officials reiterate, noting that individuals

and companies can receive advice and design specifications suited to their situation.

"Preplanning can save a lot of agony for the property owner and those around them," district officials say. "With good site management and sound construction practices, water can safely be carried off the site."

A recently released publication, "Guidelines for Urban Erosion and Sediment Control" can assist local units of government in preparing and implementing their soil erosion and sediment control programs and in reviewing proposed site development plans,

district officials advise. It can be further used to establish encouragement uniformity through standards in applying erosion control techniques and help developers and planners to make maximum use of potential development sites by proper management of its natural resources.

Anyone who would like to receive technical assistance with site development or who would like to buy a copy of the guidelines should contact the Yates County Soil and Water Conservation District, Yates County Office Building, 110 Court St., Penn Yan, telephone 315-536-6233.

The Chronicle Express September 7 1989

The Chronicle Express

September 21, 1989

Program offered

PENN YAN — The Yates County Soil and Water Conservation District is offering a cost-sharing program for vineyard mulching in 1989.

The cost-sharing is funded through the Aquatic Vegetation Control Program to control upland erosion. There has only been enough dollars allocated to do 100 acres in 1989. The first 100 acres to be completed will be cost shared.

Vineyard mulching is the most effective practice to control soil erosion, district officials say. Vineyard mulching can reduce soil erosion up to 85 percent.

Cost-sharing rates are \$75 per acre for mulching every row and \$37.50 per acre for mulching every other row.

For more information, those interested should contact the Yates County Soil and Water Conservation District at 110 Court St., Penn Yan, telephone 315-536-6233.

in aquatic vegetation management

District issues report

1989

PENN YAN — The Yates County Soil and Water Conservation District has issued the following report on aquatic vegetation management in 1989.

Mechanical harvesting treatments with the county-owned equipment began on June 1, on Canandaigua Lake. The southern end of the lake along the Yates County border supports an extremely dense growth of aquatic plants due to the sediment and nutrients received from the West River, district officials explain.

Due to the very profuse weed growth in this area, full use of the lake by residents and visitors to the area is precluded. The goal here was to open up an area parallel to shore and extending approximately 200 feet out to provide access to this section. This harvesting also provided an additional accessible "edge" for fishing.

Between June 1 and June 14, approximately 50 tons of nuisance weeds were removed by mechanically harvesting 5 acres of nuisance weed beds.

Keuka Lake was treated next for nuisance aquatic weeds. The areas with the heaviest concentrations included Camp Corey, Brandy Bay, Camp Iroquois and Branchport.

Dozens of additional spots were treated for localized areas of excessive weed growth that precluded full use of the lake resources. Approximately half of these areas of concentrated weed

erodible soils. This often results in reductions of soil erosion of up to 85 percent, district officials note.

The measures also include providing technical and cost share assistance to local town and county highway departments for the design and implementation of critical area roadbank stabilization projects to reduce sediment reaching the waters. Currently, the Soil and Water Conservation District is assisting the Town of Jerusalem in implementing corrective measures on the Esperanza roadbanks that are badly deteriorated, district officials say.

Also, the district is working with the Department of Environmental Conservation in complet-

ing a water quality assessment for Yates County; and providing site review and recommendations for building, road and driveway construction along the lakeshores to limit the impacts of such activities on the county's water resources.

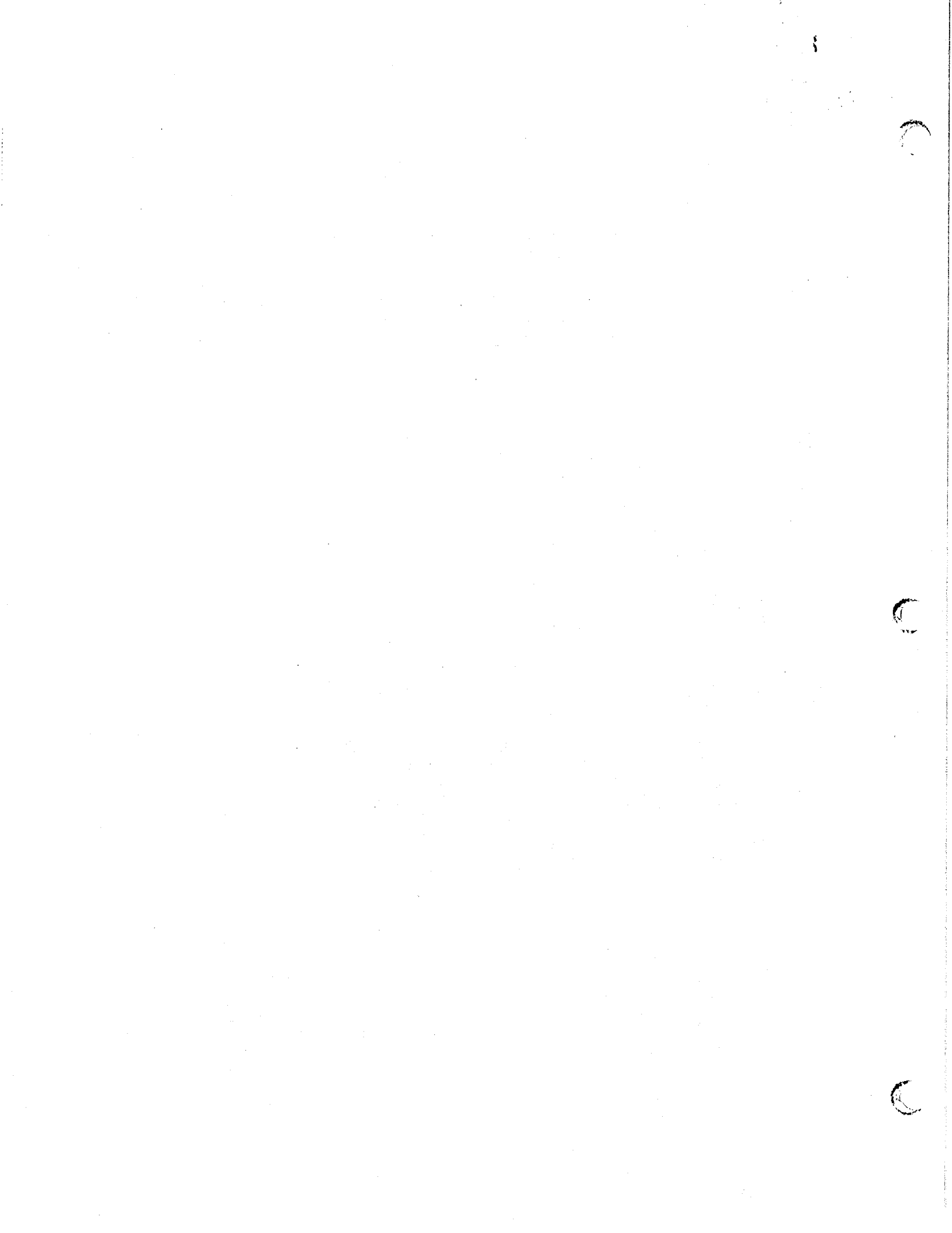
Harvesting took place on Keuka Lake from June 20 to Sept. 15. Approximately 30 acres of nuisance weed beds were harvested yielding approximately 200 tons of vegetation. All of this harvested material was disposed of upland to remove as much of the nutrients as possible from the lake to retard future growth, officials say.

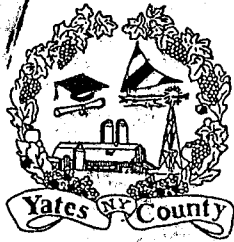
Mechanical harvesting is a short-term control measure that addresses the symptoms of the problem; excessive aquatic weed growth, district officials explain.

The benefits of harvesting include: providing immediate, although temporary, relief from the problem; removal of nutrients from the ecosystem to slow future growth; increasing plant diversity that often encourages native plants to reinhabit areas now dominated by the exotic species that are precluding full use of the lakes; and maintaining the high aesthetic and recreational qualities of area lakes which draw thousands of visitors to the county each year.

The Soil and Water Conservation District is also involved with the implementation of long-term control measures that address the causes of the excessive weed growth in area lakes; excessive sediment and nutrients.

These long-term control measures include:





OFFICE OF ECONOMIC DEVELOPMENT and PLANNING

2258 Route 54A, Suite 103
Penn Yan, New York 14527
315-536-7328
FAX # 315-536-9455

April 10, 1990

Mr. William A. Weber
468 West Lake Road
Branchport, NY 14418

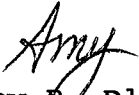
SUBJECT: Aquatic Vegetation Control Program - Annual Report

Dear Bill:

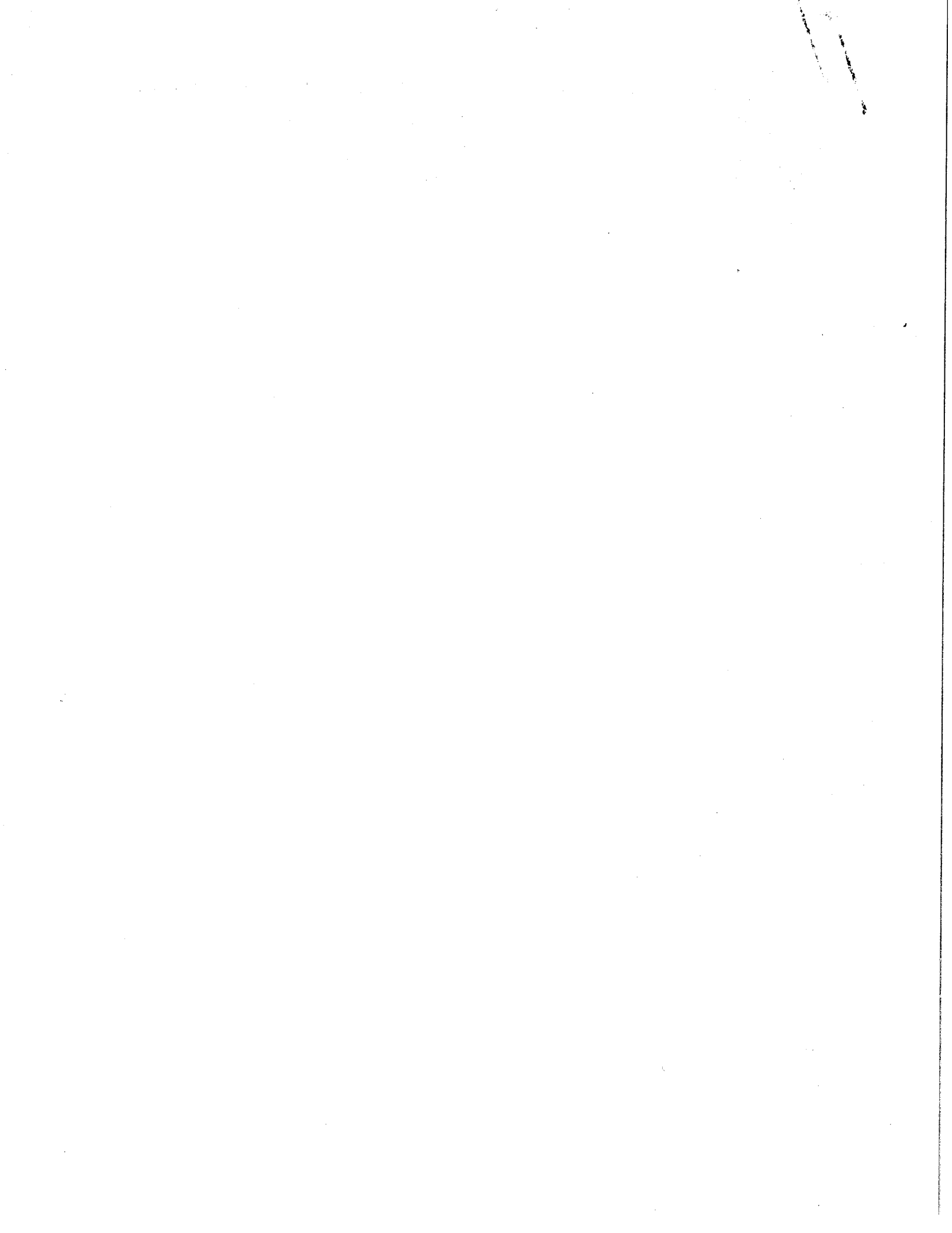
Enclosed is the Yates County Aquatic Vegetation Control Program's 1989 Annual Report. I thought you might find it interesting since you are active in the Districting Committee and the Keuka Lake Association.

Feel free to pass the report along to anyone else who might be interested. I also have several more copies available if anyone should want one.

Sincerely,
YATES COUNTY ECONOMIC DEVELOPMENT AND PLANNING


Amy R. Dlugos
Environmental Engineer

enc.



YATES COUNTY AQUATIC VEGETATION CONTROL PROGRAM
1989 ANNUAL REPORT

Yates County Economic Development and Planning Office
2258 Route 54A, Suite 103
Penn Yan, New York, 14527
(315)536-7328

Yates County Soil and Water Conservation District
110 Court St.
Penn Yan, New York, 14527
(315)536-6233

Prepared by
Amy R. Dlugos, Environmental Engineer
January 1990

Like other special use districts, the Keuka Lake Watershed Protection District would require legislative approval from the New York State Legislature. (For a summary of the draft legislation and a map of the proposed District see Appendices C and D respectively.)

In the beginning of 1989, the committee met at least monthly to solidify the purpose and structure of the District. They also began to develop an equitable payment system based on population, shoreline, tax parcels, assessed values, etc.

The committee began to give presentations on the proposed District in the late spring. The first presentations were made to town boards. Most town officials, while they saw the value of a Watershed Protection District, felt the cost was just high. The committee then decided to re-evaluate the District's budget.

The committee, at the end of 1989, was still in the process of reducing the budget to a level the towns would be willing to pay. They were also considering higher water use fees for villages. The committee suspended presentations on the District until the budget is modified.

In 1990, the committee will gain support for the district from all six towns and two villages. Then, Sen. Randy Kuhl will introduce the legislation to the state Senate.

WATER QUALITY MONITORING

The YCAVCP conducted two water quality monitoring programs in 1989 to better understand nonpoint source pollution that may affect Yates County's water quality.

Tributary Monitoring. The YCAVCP has been monitoring eight Keuka Lake tributary sites since 1987. (For a map of tributary sampling sites, see Appendix E.) The collected samples were analyzed for: Ammonia as N, Nitrate, Nitrite, Total Phosphorus, Orthophosphate, Potassium, and Suspended Solids. Estimates of stream flow volume were also made.

Background samples, collected monthly from April 1987 through May 1988, showed few significant nutrient levels. Since then, samples have been collected only during significant run-off events. Many studies have indicated it is during these events most nutrients enter lakes.

In 1989, samples were collected during one run-off event on March 30.

The average nutrient levels for all eight sites on March 30, 1989 were as follows:

Ammonia as N - <0.05 mg/L (standard deviation - 0)
Nitrate - 6.8 mg/L (stan. dev. - 2.8)
Nitrite - .8 mg/L (stan. dev. - .85)
Total Phosphorus - 1.282 mg/L (stan. dev. - 1.079)
Orthophosphate - .07 mg/L (stan. dev. - .098)
Potassium - 3.57 mg/L (stan. dev. - 1.39)
Suspended Solids - 18.99 mg/100ml (stan. dev. - 23.28)

All tributary nutrient data has been forwarded to Dr. Ray Oglesby of Cornell University and Dr. J. Wills of Corning Community College for interpretation. Dr. Oglesby will give us a first order interpretation and then either assist us further or find a graduate student to help us. Dr. Wills is looking at our data in conjunction with data collected by members of the Keuka Lake Association.

In 1990, the tributary monitoring program may be modified based on recommendations from Dr. Oglesby and Dr. Wills. It is a concern that the current sampling method does not adequately assess nutrient levels during the run-off event. Also, another sampling site may be monitored in a subwatershed which is undisturbed by development or agriculture. This data would be used to compare "natural" nutrient and sediment loads to those in the subwatersheds currently being monitored.

In-lake fecal coliform monitoring. In-lake fecal coliform sampling first began in 1987 when several hand-picked sites on Keuka Lake were sampled on two separate occasions. It was thought that failing septic systems might be contributing significant amounts of nutrients to the lake. (A Septic System Survey completed by the YCAVCP indicates many septic tanks on Keuka Lake are old and undersized and therefor vulnerable to failure.) Fecal coliform levels on these two occasions indicated a need for further monitoring and in 1988 and 1989 samples were collected from Keuka Lake in a more rigorous manner.

In developing the sampling method, the lake was first divided into quarter mile numbered segments. On each sampling day (generally a Monday), 40 random collection sites would be chosen using a random numbers table to select a quarter mile segment and an address within that segment. A near shore grab sample was collected at each site, labelled, and packed in ice. Two duplicate samples were collected each day and two distilled water samples were also submitted to the lab as controls. The samples were analyzed by R and J Laboratories of Penn Yan, NY. This sampling method is not meant to pinpoint individual septic system failures but to indicate the potential severity of nutrients entering the lake from fecal coliform sources such as failing septic systems.

Samples were collected in late summer of 1989 on these four separate dates using the method outlined above: 08/14/89, 08/28/89, 09/05/89, and 09/26/89. The results are summarized below:

| <u>No. of Colonies/100ml</u> | <u>08/14/89</u> | <u>% of samples in category</u> | | |
|------------------------------|-----------------|---------------------------------|-----------------|-----------------|
| | | <u>08/28/89</u> | <u>09/05/89</u> | <u>09/26/89</u> |
| <1 | 8% | 74% | 27% | 33% |
| 1 - 4 | 0% | 21% | 34% | 5% |
| 5 - 50 | 28% | 5% | 32% | 14% |
| 51 - 200 | 46% | 0% | 7% | 10% |
| 201 - 1000 | 13% | 0% | 0% | 29% |
| 1000+ | 5% | 0% | 0% | 10% |

The following standards should help put these numbers in perspective:

Maximum for community water systems: 4 colonies/100ml
 Maximum for raw water prior to treatment: 50 colonies/100ml
 Allowable rate for natural inland waters: 200 colonies/100ml
 Maximum for primary contact recreation: 200 colonies/100ml

This data indicates, under certain conditions, failing septic systems may be contributing significant weed promoting nutrient loads and pathogens to the lake. Also, elevated fecal coliform levels may pose health risks to those consuming untreated lake water. The data suggests that days with higher levels may be the result of rain saturating the thin lake shore soils and transporting septic tank effluents to the lake.

All fecal coliform data from 1987, 1988, and 1989 has been forwarded to Dr. Ray Oglesby of Cornell University and Dr. J. Wills of Corning Community College for further interpretation. The fecal coliform sampling program will be modified in 1990 based on their recommendations. Until a sampling method which clearly indicates the sources of high fecal coliform levels is indentified, an education program for lakeshore residents is being developed. The program will explain the impact of inadequate septic systems on lake water quality and provide information on septic system maintenance and correcting inadequate systems.

GEOGRAPHIC INFORMATION SYSTEM

The YCAVCP purchased computer equipment in late 1988 and began developing a Geographic Information System in 1989.

A Geographic Information System, or GIS, is a computer system which stores geographic features such as roads, streams, or soil types, along with pertinent data for each feature. For example, a GIS not only stores the location of a stream but also information about that stream such as class, width, average flow, etc. A GIS also stores features' relative locations on the earth's surface so that different feature types covering the same area can be overlaid or adjacent maps can be joined. A GIS can perform various analyses by selecting features or land areas which meet certain criteria. A GIS is a good communication tool because patterns on a map are often much easier to see than patterns from graphs or tables.

11

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County
City ofPulteney.....
Town
Village

Local Law No. 6 of the year 19 92

A local lawWASTEWATER MANAGEMENT.....
(Insert Title)

Be it enacted by theTown Board.....of the
(Name of Legislative Body)

County
City ofPulteney..... as follows:
Town
Village

see attached

(If additional space is needed, attach pages the same size as this sheet, and number each.)

§1. PURPOSE

The purpose of these regulations is to preserve and protect the quality of Keuka Lake and surface and groundwater in the Town of Pulteney. These standards are established to ensure adequate performance of wastewater treatment systems, to protect public health and to optimize the effectiveness of the systems at removing nutrients from wastewater.

§2. APPLICABILITY

The provisions of these rules shall be in effect throughout the Town of Pulteney and apply to all wastewater treatment systems not subject to permits issued by New York State Department of Environmental Conservation or Health.

§3. SEVERABILITY

If any section, paragraph, subdivision or provision of this Law shall be judged invalid or held unconstitutional, the same shall not affect the validity of this Law as a whole or any part or provision thereof other than the part so decided to be invalid or unconstitutional.

§4. DISPOSAL OF WASTEWATER

(A) Wastewater from any new construction shall be discharged directly into a public wastewater disposal system if such a system is available and accessible within 100 feet of the property or properties upon which the new construction is situated.

(B) If no public wastewater disposal system is available and accessible, wastewater must be treated by a wastewater treatment system approved by a regulatory officer.

§5. WATER QUALITY PROTECTION ZONES

(a) Two zones are hereby established for the protection of water, public health and safety.

(b) Zone One shall be known as the Critical Water Protection Zone and includes all land within 200' of the main high water mark of a watercourse or lake.

(c) Zone Two includes all lands in the Town of Pulteney not within Zone One.

§6. DISPOSAL OF EXCRETA

(A) No untreated wastewater shall be deposited released or allowed to escape into any body of water, the surface of the ground, or be allowed to wash over the surface of the ground.

(B) No human excreta removed from a wastewater storage or treatment system may be disposed of or deposited on or in the ground other than in accordance with a valid permit issued by the New York State Department of Environmental Conservation.

(C) Any septic tank or holding tank that shows any sign of

leaking must be repaired or replaced within the time period specified by §13.

§7. STANDARDS FOR WASTEWATER SYSTEMS FOR NEW CONSTRUCTION

(A) Wastewater systems for new household construction shall be designed in accordance with New York State Department of Health Administrative Codes, Rules and Regulations Appendix 75-A. The definitions contained in Appendix 75-A shall also apply to these regulations.

(B) Wastewater systems for new commercial or institutional construction may be designed according to the New York State Department of Environmental Conservation guidelines ("Standards for Waste Treatment Works--Institutional and Commercial Sewage Facilities" or current reference).

§8. STANDARDS FOR REPLACEMENT WASTEWATER SYSTEMS

(A) Construction of replacement wastewater systems may be designed and must be installed under the direction or the regulatory officer or a design professional. Replacement systems shall be designed and installed according to the provisions of Appendix 75-A, if possible.

(B) On limiting site conditions, the regulatory officer shall utilize best practicable technology or require the system be designed and installed under the direction of a qualified, licensed engineer. A holding tank may be constructed under the supervision of the regulatory officer as described in Section §19.

(C) Households served by replacement systems may be required to have DEC certified water conservation fixtures prior to the issuance of a "Permit to Operate".

(D) If the site is only occasionally inhabited, such as a hunting camp, and has no water under pressure or wastewater discharge, the regulatory officer may allow a sanitary privy, other non-waterborne systems as described in Appendix 75-A, design a system, or request that an engineered system be designed when site conditions are limiting.

(E) Wastewater systems for replacement commercial or institutional construction may be designed according to the New York State Department of Environmental Conservation guidelines in "Standards for Waste Treatment Works --Institutional and Commercial Sewage Facilities" or current reference.

§9. WASTEWATER SYSTEM INSPECTIONS AND SURVEYS

(A) The regulatory officer shall make regular and thorough inspections of wastewater treatment systems in the Town for the purpose of determining the condition, operation and adequacy of such systems.

(B) Whenever it shall appear to the regulatory officer that a wastewater system is not in compliance with the requirements of this chapter, or the laws of the State of New York. The regulatory officer shall send the owner of the wastewater system a written Notice of Violation specifying the nature of the violation and the required corrective action.

(C) Upon receipt of the Notice of Violation, the owner of the water system shall obtain a wastewater system construction permit, permitting the corrective action required. The owner shall complete the work specified within the time frame required by Article 13 hereof.

(D) The regulatory officer shall, by mail, conduct a preliminary survey of all systems in the Town. This survey shall be completed within three years of this law's effective date.

(E) Upon completion of the survey, systems in Zone One shall be scheduled for inspection and inspected thoroughly at least once in every succeeding five year period, except for systems installed after the effective date of this law.

(F) Systems installed after the effective date hereof shall be inspected as follows:

(i) Holding tanks shall be inspected no sooner than one year after installation, and thereafter as otherwise required by this chapter.

(ii) Other wastewater systems shall be inspected no sooner than five years after installation of the system is complete, and thereafter inspections shall be made as otherwise required.

(iii) Upon transfer of ownership or complaint.

(G) Every owner of a wastewater system shall provide the regulatory officer information about the wastewater system upon request.

§10. WASTE WATER SYSTEM INSPECTIONS

A) Except as provided below, ten days prior to transference of legal or equitable title to any real property, all septic and septate holding tanks on that property or servicing the property must be pumped out by a person with a valid waste transporter permit issued pursuant to §27-0301 of the ECL, and inspected by the regulatory officer.

The property owner must provide the regulatory officer at least two business days advanced notice of the necessity for an inspection.

At least ten days prior to transference of legal or equitable title of any real property, any absorption or filtration area(s) or systems must be inspected and evaluated by the regulatory officer.

If a lender or creditor requires a property owner to obtain an inspection of a wastewater system as part of a refinancing agreement for property located in a Keuka Lake Watershed and Town of Pulteney, a regulatory officer shall perform the inspection.

If a wastewater system is determined to be failing or inadequate, the regulatory officer shall send the owner of the property a written Notice of Violation. The property owner must obtain a Construction Permit to correct the violation under this chapter prior to the transfer of title to the property.

For aerobic systems, the new owner of the property must send a signed copy of the service contract covering the aerobic system within 30 days after transfer of ownership of the property.

Only regulatory officers of the Keuka Lake Watershed Commission are authorized to conduct the inspector specified under the Article.

If a septic or holding tank has been pumped out by a permitted waste hauler, and in conjunction therewith, and inspected by the regulatory officer, within one year prior to transfer of ownership of the property, then the pumping and inspection specified pursuant to paragraph (a) of this Article shall not be required.

§11. SEPTIC TANK INSPECTIONS - Regular Septic Tank Inspection

A) All septic tanks located in Zone One shall be inspected by a regulatory officer at least every three to five years to ensure that the baffles are adequate, check for holes or cracks and to determine if the contents of the tank need to be pumped out.

B) If the depth of the sludge and scum in a septic tank exceeds one third of the liquid depth, as demonstrated to the regulatory officer by property owner as occupant, tank must be pumped by a permitted waste hauler at the property owners expense.

C) Physical measurement of the contents will not be required provided the tank is pumped by a person holding a valid waste haulers permit issued by DEC pursuant to §27-0301 et seq of the Environmental Conservation Law, and the tank is approved by the regulatory officer.

D) If the regulatory officer determines that a septic tank has insufficient volume to meet the system use and capacity standards, the property owner shall be required to install additional tank volume.

E) Any person who shall pump or empty a septic tank shall

send a Septic Tank Pumping Inspection Form to the regulatory officer and the Keuka Watershed Improvement Commission. This form shall verify the tank was pumped, its location and describe all other maintenance or work completed.

§12. WASTEWATER SYSTEM CONSTRUCTION PERMIT

(A) No construction of new or replacement wastewater systems shall be commenced until an application for a "Wastewater System Construction Permit" is reviewed and a permit is issued by the regulatory officer.

(B) No person shall build, erect, construct, expand, enlarge, add bedrooms, or convert to another use any structure or system that is subject to the provisions of this law and involves wastewater discharge without first obtaining a Wastewater System Construction Permit. Building expansions which do not alter property wastewater discharge, such as the building of a deck or garage, are exempt.

(C) Construction of a system shall be in accordance with the specifications approved in the Wastewater System Construction Permit.

(D) No element of the system shall be covered until inspected and approved in accordance with the Wastewater System Construction Permit. Covered work shall be uncovered to permit inspection whenever considered necessary by the regulatory officer.

(E) The regulatory officer shall be notified a minimum of two business days prior to the requested inspection date.

(F) A Wastewater System Construction Permit shall be valid for up to one year.

§13. COMPLIANCE FOR REPLACEMENT WASTEWATER SYSTEMS

(A) Where a written Notice of Violation has been issued for an inadequate wastewater system or component thereof, corrective action according to an approved Wastewater System Construction Permit must be completed within 6 months.

(B) Where the regulatory officer determines that a violation is an imminent hazard to health or safety, the violation must be corrected within the time which the regulatory officer may specify; however, corrective action must be completed no later than 60 days of the Notice of Violation.

§14. PERMIT TO OPERATE

No wastewater system shall be placed in operation, or any new building, structure or mobile home be occupied, until a "Permit to Operate" has been issued indicating that such system has been constructed in compliance with the Wastewater System Construction