

# **Process for the Development of the Final Draft Model Onsite Wastewater Treatment System Law**

## **Joint Municipal Land Use Work Group**

The Joint Municipal Land Use Workgroup was reconvened in October of 2014 by the Watershed Council to build on past successes at developing local laws and to address additional water quality concerns in the watershed. The Canandaigua Lake Watershed Association (non-governmental membership association), the Ontario and Yates County Planning Departments, the Canandaigua Lake Watershed Council (fourteen watershed and water purveying municipalities), Canandaigua Lake Watershed Commission (water purveying municipalities), Planning Board Chairs, and Code Enforcement Officers all participate. The Towns of Canandaigua, Gorham, Middlesex, Italy, Naples, and South Bristol are all represented. The group meets periodically to discuss ways to improve local land use regulatory tools in order to more comprehensively protect water quality. The group prioritized six critical land use areas for their impact on the lake, which include: onsite wastewater systems, site plan review (along lake and town-wide), lot coverage requirements, steep slope requirements, scenic vista protection, and stream/water course protection.

The group completed recommendations on lot coverage and site plan review during 2015 and then began to focus on onsite wastewater treatment system requirements in October 2015. The workgroup began by assessing existing onsite wastewater treatment system laws from around New York State and comparing those laws to what we have in the watershed. The first draft of the law was produced in winter of 2015/2016. The law has gone through many iterations since this first draft, incorporating comments from municipal attorney reviews, public comments during two informational meetings along with individual written comments, the work of the Land Use Work Group members, and the Canandaigua Lake Watershed Council. There has been a significant effort to reach out to the public to both educate them about the law and to gain their feedback on the law. Multiple newspaper and newsletter articles were written in 2016 and 2 widely-advertised public information meetings were held.

After over one year of work on the law, the Final Draft Model Onsite Wastewater Treatment System Law was completed on November 23, 2016. The law was unanimously endorsed by the Watershed Council on December 7, 2016 and to be sent out to their representative municipalities. Because this is a home rule state, each municipality must decide if they would like to adopt the law or some version of it, or not adopt the law at all. While the law does not need to be uniformly implemented across the watershed, it is beneficial for realtors, onsite system inspectors, and private contractors to have similar laws passed by each municipality.

Below, we have included more detailed information on each step of the development of the law. Backup documentation for each of these items is available upon request.

## **Assessment of Existing Onsite Laws in New York State**

One of the first steps to developing the draft onsite law was to assess existing laws. Onsite wastewater treatment systems have been regulated by local municipalities throughout our region. The draft onsite

law draws from many of these existing laws along with looking at our own needs. The Watershed Council and Commission staff also consulted with a couple of these towns get their input on whether these laws are being successfully implemented.

- Sanitary Code of the Cayuga County Health District Article V - Owasco Lake and Little Sodus Bay
- Town of Torrey Wastewater Law (2014) – Seneca Lake
- Town of Huron Septic Law (1996, amended 2013) – Coastal Areas on Lake Ontario and Sodus Bay
- Keuka Watershed Improvement Cooperative Model Local Wastewater Treatment Law – Keuka Lake
- Town of Gorham On-site Individual Wastewater Treatment Systems Law- Canandaigua Lake
- Town of Canandaigua On-site Individual Wastewater Treatment Systems Law- Canandaigua Lake

### **Review by Municipal Attorneys**

The law was reviewed by a municipal attorney on two occasions. The first review was during an early iteration of the law in February 2016. The goal was to understand the legal framework for the law prior to public information meetings. The second review was after substantial revisions were made to the law based on the attorney review, input from the public, and input from the Watershed Council.

- Attorney Review by Jeff Graff of the Feb 22, 2016 Version of the Law
  - George Barden, Kevin Olvany and Kim McGarry met with Jeff Graff on April 11, 2016
  - Jeff Graff provided written comments on April 14, 2016
  - Based on these comments, the law was altered where appropriate and a detailed response was provided to Jeff Graff
  - Follow up meeting for the Town Supervisors for Gorham, Middlesex and South Bristol was held on June 16, 2016 with George Barden, Kevin Olvany, and Kim McGarry
- Attorney Review of the July 11, 2016 Version of the Law by Jeff Graff
  - Jeff Graff provided written comments on November 17, 2016
  - The law was altered where appropriate and a detailed response was created.

### **Public Outreach/Input**

Public input is imperative to the successful adoption and implementation of the law. Therefore, the public was informed about the law through two Watershed Association newsletters, multiple articles in the Daily Messenger, and at two public information/discussion meetings, as detailed below. The Watershed Council has copies of each article, comments from the public information meetings, and written comments, all of which are available to any municipality that would like this backup documentation.

- Canandaigua Lake Watershed Association Spring 2016 – 2 page article on the draft onsite law and its requirements – mailed to 954 residents, emailed to 739 residents
- Canandaigua Lake Watershed Association Summer 2016 – 1 page “mythbusters” on the draft onsite law – mailed to 954 residents, emailed to 739 residents
- Daily Messenger article, “Attorney scrutiny sought on proposed septic system law for Canandaigua Lake towns” February 9, 2016
- Daily Messenger article, “Failing septic systems threaten Canandaigua Lake” December 17, 2015
- Daily Messenger article, “Citizens drill down on fighting septic system pollution” July 14, 2016
- Eastside Public Information Session – July 11, 2016 at the Vine Valley Community House
  - Postcards sent to 185 shoreline property owners
  - Advertisement on the Canandaigua Lake Watershed Council Website and the Canandaigua Lake Watershed Association website.
  - Email notification sent to the Canandaigua Lake Watershed Association e-notification list, which has about 739 people.
  - Article promoting the event on July 7, 2016 in the Daily Messenger, “Flushing out failing septic systems around Canandaigua Lake”
  - Approximately 75 people attended the public information session
- Westside Public Information Session – August 15, 2016 at the South Bristol Town Hall
  - Article promoting the event on July 25, 2016 in the Daily Messenger, “Public urged to weigh in on model septic law for Canandaigua Lake communities”.
  - Advertisement on the Canandaigua Lake Watershed Council and Canandaigua Lake Watershed Association websites.
  - Postcards sent to 318 shoreline residents
  - Email notification sent to the Canandaigua Lake Watershed Association e-notification list, which has about 739 people.
  - Approximately 35 people attended the public information session
- Written Comments Provided by the Public
  - Lew Smith – Feb 22, 2016
  - Paul Reck – April 2, 2016
  - Marion Cassie – Feb 20, 2016