

Agricultural Run-off Chapter #19

Assemblyman Thomas Reynolds replied to a letter sent by the SLCOA regarding farming practices in the area and effects to the lake due to ground-water run-off. He stated that he was aware of the problems posed by agricultural practices around the lake and said the state has stringent and unworkable guidelines.

Don Cook met with the Wyoming County newest water technician Carl Bechler and Dave Pendergast of Soil and Water Conservation District. He discussed agricultural run-off around the lake and they indicated they were well aware of the problem and were willing to act on it and work with the SLCOA. Soil and Water was very encouraged at SLCOA testing and management study approach which would figure heavily in obtaining NYS funds. They would use Tim Tatakis's Lake LeRoy and Lake LaGrange study as a guide.

Margaret Kirkgasser briefed the SLCOA on C.A.R.E., Castile Area Residents for the Environment. The group's major focus was farm practices such as liquid manure lagoons and their effect on neighboring properties. Allen Knauf, a lawyer from Rochester, had been retained by C.A.R.E. C.A.R.E. and an organization named P.I.P. (Pride in Perry), would be contacted to speak at a SLCOA meeting.

It was explained to the SLCOA that a USDA grant may be available for Silver Lake. Greg McKurth (District Manager, Soil & Water Conservation) was the Representative for the Regional Planning Council working with area farmers on practices re: run-off, nitrates, and groundwater. The USDA grant originally applied for addressed lakes Leroy and LaGrange but not Silver Lake even though it was mentioned and was considered. Don Cook, who went to the Finger Lakes Conference in Greg's place, reported that there was a 33% chance of receiving grant money. There were over 100 applicants for the grant and 3 were from NYS.

Guest speaker Bruce Tillapaugh, Wyoming County Cooperative Extension Field Crops Agriculture Production Agent discussed manure nutrients, local methods of application, pesticide control, reasons area farms have expanded, and soil types in the immediate watershed. He answered questions regarding herd sizes, pit sizes, controls and regulations, and water consumption. Bruce felt organizations like SLCOA and individuals had greater lobby power at the state level than the Cooperative Extension regarding regulation of agricultural practices. Changes in agriculture would come about as a result of peer pressure among farmers.

The remediation estimates for the Klein farm were \$14,000 and designed in accordance with Wyoming County Agriculture Stabilization & Conservation Office and Wyoming County Soil & Water Conservation. Work would be done with or without funding from the Watershed Commission.

County Soil and Water Conservation District worked with farms in the Watershed (Upland Watershed Treatment Program) to alleviate erosion and run-off. Greg McKurth provided an overview of work underway at Silver Meadows on West Lake Road where seepage overflow, and bunk silo run-off were being collected in new storage tanks. SWCD had worked with watershed farmers for the past 10–15 years (strip-cropping, tiling, diversion ditches, best management practices, etc.) In August of 1998, Rich Eliaz said he favored the new Klein manure tank, explaining it appeared it would eliminate the bunker under the barn which was probably polluting the water table. The new tank would be reinforced concrete, fed from the top, have no drain valve, and it would be located back from the road. Klein was waiting for funding.

At the September 24th SLA meeting, there was an update presented to the board from the Watershed Commission meeting. Two towns and one farmer had not yet completed pollution-prevention work. The towns were to do ditching and the farm wanted to install drainage. Details of the farm project were not available. Castile Councilman

Stan Klein said the farm could not afford the \$20,000 cost of the project it initially planned and wanted to revise its application. The Commission had approximately \$16,000 of the state grant left. Money must be encumbered by March 31st, 1995. Members would pressure the town' DPW's to get busy.

SWCD was also involved in Conservation Planning efforts to identify water quality in the watershed. It was compiling a map of the watershed and participating farmers and set a spring 1993 goal to complete. SWCD was preparing a water strategy based on initial assessment of all Wyoming county water bodies. The assessment begun in 1989 to identify what waterways had been experiencing nonpoint source pollution. 13 stream segments found were considered to be threatened, impaired or stressed with Silver Lake at the top of the list. The agency was now looking for funds to remediate.

Remaining grant funds (approx. \$50,000) would be used to help watershed farms abate run-off, etc.; testing within the inlet area to identify pollutants. Many other ideas were expressed by the SLCOA for the use of the remaining grant funds included; weed control, testing and monitoring, overt remedial efforts at the lake rather than more testing, and maybe the commission would consider installing public restrooms for lake visitors. The commission planned to discuss installation of an automatic dam opener with an override factor for the village in order to maintain flow past the sewer treatment plant.

Village of Perry Trustee Roy Griswold summarized work of the Watershed Commission which he chaired. The Commission was writing an Erosion Control law for the watershed. It would require passage by lakeside communities Perry and Castile. Mr. Griswold stated the importance of the SLCOA to the Commission. Cottagers should report pollutants to the commission which could request action from the Wyoming County Health Department.

A review of the Silver Lake Watershed Commission meeting that met October 1992, mentioned that the farm bureau officially opposed the erosion control law being drafted. The law does not only address farming but included cottages, residences and municipal operations in the watershed. A Commission subcommittee continued to meet with the farmers on this matter. The farmers also questioned the legitimacy of the Commission and legal documents would be provided to them. At a previous meeting of the Watershed Commission, a member thought the SLCOA should not be a participating member.

Traber Tract director Don Cook encouraged the Commission to reconsider its proposed erosion and sediment control law. After the Wyoming County Farm Bureau's official opposition to the law, discussions on it ceased. Commission members who met with the area farmers were told it was redundant legislation. The SLA reiterated its support for the law contending that soil loss and run-off from lakeside construction projects needs better regulation.

The SLA no longer sat on the Watershed Commission and could not vote in non-fiscal matters. The SLA participation was challenged successfully by the Farm Bureau. The SLA could act as an advisory committee which John Pachuta would be the head of that committee. The Farm Bureau's input and reaction to the proposed watershed Erosion & Sediment Control Law killed the ordinance. Some of the remaining grant that the Watershed Commission had would be used to continue sampling and analyzing lake water. The reason was to monitor whether the watershed remediation projects were working.

Roy Griswold of the Silver Lake Watershed Commission and Extension Agent Bruce Tillapaugh of the Wyoming County Water Quality Resource Committee discussed their organizations work. The commission was administrating the remainder of the \$100,000 lake management grant. Funds would help with the costs incurred by the county committee to inventory hazardous materials stored in the watershed and establish a haz-mat team. Funds would be used on a dozen other watershed clean-up projects. Once the grant was expended as required by the state by March, 1994, Mr. Griswold told the SLA members that the Watershed Commission would use its own operating funds to continue work on

projects that would slow the flow of nutrients and sediments into the lake. Most proposals were for projects located on the lake and its tributaries.

Elaine had made copies of the Southview Farms article which Francis handed out. It was regarding the recent Second Circuit court ruling that overturned the first (district) judge's decision on Southview Farms. This meant the farm did violate the Clean Water Act and was liable for thousands in damages. Lorraine could not get the farm's reaction to the decision. The Southview Farm/CARE case ended with the federal Supreme Court decision NOT to hear Southview's appeal of CARE's successful appeal of the District court judge's dismissal of the jury verdict. The farm was, therefore, guilty of violating the Clean Water Act five times. This was a landmark case that likely set a precedent.

The town of Perry would put up "Entering Silver Lake Watershed" signs before the ground freezes. In other notes, the Pingrey farm drainage run-off collection project fell through which gave the Silver Lake Watershed Commission \$4,500 in money it had targeted for the project back in the Watershed Commission coffers; the Commission planned to aid drainage problems at the Mueller property at the south end of the lake.

The Water Resources Committee was focusing on alternative BMP's for farms which were applying for a Environmental Quality Incentive Program grant funds available through the county. This area was a high priority area for EQUIP grant funds, which was also focusing on the correct use of fertilizers by farms.

The new Chairman of the Watershed Commission was Stan Klein, Town of Castile Councilman. The new Mt. Morris representative was Dana Passamonte (Don Scalia would serve as Mt. Morris alternate as needed). Gail Vosburg, Deputy Village Clerk of Perry, replaced Beryle Bell as secretary. There were no representatives from the village of Perry at the last meeting, a continuing indication of a lack of commitment from commission membership.

At the May 1998 SLA meeting an article from the Soil & Water April newsletter was discussed. Something SLA and FOLA was talking about for years; was to put pressure on agriculture to clean up; ditch maintenance and streams. Don discussed ditches with Greg McKurth who had a priority list still for Fairview, Club, and Traber Roads for which he was still engineering.

At the Watershed Commission meeting held July 16, 1998, Tom Reilly discussed the flooding on the Austin/Shearman Tract. At the Castile Board meeting, Councilman Stan Klein got upland farm owner to agree to ditching by the town highway to protect its road and alleviate flooding of cottages.