

Assessment of Public Comment

List of Commenters on Proposed Rule:

DeGolyer, Jim (DeGoyler)
Hagar, Peter. Clinton County Soil and Water Conservation District (Hagar)
Putnam, Vic (Putnam)
Wellman, William (Wellman)

SYNOPSIS OF COMMENTS WITH DEC RESPONSES

Comment 1. Trout River

A commenter (Wellman) agrees with the Trout River assessment.

Response to Comment 1:

The New York State Department of Environmental Conservation (DEC; the Department) acknowledges and appreciates this comment in support of the rulemaking.

Comment 2. Chateaugay watershed

A commenter (Wellman) stated that the entire Chateaugay watershed should be classified C(T) based on personal knowledge and general characteristics. Chateaugay main stem harbors naturally reproducing brookies, rainbows and browns, some of notable size, even while competing with overstocking and escapees from Chateaugay Hatchery.

Response to Comment 2:

This comment does not relate to the Department's proposal to upgrade water classifications in the Lake Champlain drainage basin, as the entire Chateaugay watershed is within 6 NYCRR Part 910, the St. Lawrence River drainage basin. The proposal is only for waters of the Lake Champlain drainage basin. The public is encouraged to submit comments on the reclassification of the St. Lawrence River drainage basin when the Department proposes amendments to 6 NYCRR Part 910.

Comment 3. Pollution from agriculture in Lake Champlain

A commenter (DeGoyler) expressed concern over what he sees as one of the largest sources of pollution to Lake Champlain, especially when the climatic conditions seem to be in favor of uncontrolled algae growth in the lake. The commenter specifically states,

“That is, the new cornfields in the Clinton county area (but not exclusive to) that are rapidly replacing forestland and other strong buffer-type flora. This corn crop is the food source for the mega-sized dairy farms which have seemingly sprouted up overnight. The huge fields are manure-fertilized, then tile-drained directly into tributaries of the AuSable River

and Little AuSable River. Two of note are in the Harkness and Mace-Chasm Road areas. In the Mace-Chasm Road case, runoff goes directly into Mud Brook, into the AuSable River at AuSable Chasm, then only a mile or so to the warm, shallow AuSable River Delta at the AuSable Point Campsite. The milfoil growth at the river mouth is growing bigger each year on this warm, phosphate-rich water, as I suspect are other areas of the lake are as well.”

The commenter continues, “I'm sure the prevailing feeling is 'who could be against progress and economic growth?' -not me- but I feel this agricultural model is too self-serving and short-sighted, and will accelerate the degradation of the lake's water quality in much less than long-term. A comparative case is the pollution of the Mississippi River Delta in the Gulf of Mexico by unrestricted farming practices in Iowa, Missouri, etc. upstream. One of the solutions has been to build buffer ponds of wild grasses, etc., between the tiled-field runoff and the river tributaries....probably the minimal they can do at this point, but I haven't seen any of this kind of activity at all on either side or end of this beautiful and endangered lake.”

Response to Comment 3:

Although the comment does not directly relate to the Department’s proposal to upgrade water classifications, the comment will be referred to DEC lakes program staff for their consideration.

Comment 4. Maps of proposed changes are not more easily viewed; should be displayed via online tools

A commenter (Hagar) expressed disappointment that the maps of the proposed changes are not more easily viewed using modern technology; identifying these changes using a geographic information system (GIS) layer would make evaluating them much easier. Commenter hopes that in the near future, these changes will be more easily discerned using online tools such as the DEC’s Environmental Resource Mapper or other technology.

Response to Comment 4:

DEC acknowledges the comment and agrees that an online visual portrayal of the proposed upgrades to water classifications would be helpful. The Department will consider this for the future.

Comment 5. Wastewater/water treatment plant effluent standards

A commenter (Putnam) asked whether the proposed upgrades to water classifications would impact wastewater/water treatment plant effluent standards that are currently in place.

Response to Comment 5:

As indicated in the revised regulatory impact statement (RIS) for this rule, the proposed upgrades to water classifications will result in revised effluent limitations for some permittees. However, minor regulatory (cost) impacts were identified for one private SPDES-permitted discharger, a campground discharging treated sanitary effluent, which may need to modify its treatment system to comply with more stringent effluent limitations. In addition, no cost impacts were identified related to publicly owned treatment works (POTWs).

Comment 6. Lamprey or aquatic invasive species

A commenter (Putnam) asked whether the proposed upgrades to water classifications would impact the ability to treat for lamprey or aquatic invasive species.

Response to Comment 6:

The proposed upgrades to water classifications would not impact on the ability to treat for lamprey or aquatic invasive species

Comment 7. Erosion control

A commenter (Putnam) asked whether the proposed upgrades to water classifications would impact best management practices (BMPs) for erosion control in affected waterbodies.

Response to Comment 7.

The proposed upgrades to water classifications would not impact BMPs for erosion control in affected waterbodies.

Comment 8. Funding for municipalities

A commenter (Putnam) asked whether there is funding to be proposed for municipalities impacted by the upgrades to water classifications

Response to Comment 8:

As indicated in the regulatory impact statement (RIS) for this proposed rule, no regulatory (cost) impact to POTWs will result from the proposed upgrades to water classifications. Thus, there are no cost impacts on municipalities resulting from the proposed amendments. Because there are no costs, there is no need to propose funding for municipalities.