

**New York State Department of Environmental Conservation**

**Regional Director, Region 7**

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Joe Martens  
Commissioner

June 16, 2014

Michael Didio, Chairperson  
Owasco Lake Watershed Management Council  
8 Dill Street  
Auburn, NY 13021-3424

Dear Mr. Didio and Council Members:

Thank you for your May 27, 2014 letter regarding manure runoff into Owasco Lake. Below is a response to each of your requests:

1. Prompt notification of the specific consequences resulting from DEC's investigation into the runoff:

Attached is an executed copy of a Consent Order with Allen Farms, LLC resolving the substantiated violations of the Environmental Conservation Law. Please note that the Order requires a payable penalty, stipulated penalties, and a compliance schedule to correct deficiencies and prevent future violations.

2. A copy of all records associated with this investigation:

This request has been forwarded to our Freedom of Information Law (FOIL) coordinator, Kim Wentworth, who will compile the available records and let you know when they are available for review.

3. Prompt efforts to address repeated nutrient management problems at the farm at the center of this investigation:

As the compliance schedule to the Consent Order sets forth, the farm is required to:

- a. Cease winter spreading on specified fields until a plan is approved and implemented;
- b. Submit a plan for DEC approval to reduce contaminated runoff and groundwater contamination from the facility;
- c. Evaluate winter spreading on all parcels where winter spreading is planned;
- d. Evaluate additional measures to prevent contaminated runoff, including additional setbacks;
- e. Evaluate additional measures to prevent excessive erosion from runoff;
- f. Evaluate additional measures to prevent contaminated drinking water wells;

- g. Update the facility Comprehensive Nutrient Management Plan (CNMP) to include setbacks meeting USDA NRCS CNMP guidelines (a minimum 20 ft. setback from areas of concentrated flow is required);
  - h. Evaluate storage capacity, including the addition of storage to achieve capacity for six months of manure production;
  - i. Upon DEC's approval of the farm's plans, it is required to implement the actions accordingly and certify all projects have been implemented as approved.
4. That DEC look at all records of manure applications during the months of February and March of this year within the portion of the Owasco Lake watershed that lies within the Town of Scipio and provide the Council with the quantity of manure that was applied:

DEC records do not contain a compilation of this specific information, but CAFOs are required to apply manure pursuant to a site-specific management plan and each individual application must be consistent with that plan; i.e. - each application must be in a quantity that does not cause manure runoff and each application cannot contribute to water quality violations off-site. During farm inspections, and in the case of specific complaints, DEC reviews the individual application records to determine whether it is consistent with the farm's management plan.

As set forth in my April 18<sup>th</sup> letter, DEC is taking several steps to address potential runoff from CAFOs. These steps include thorough inspections of farms and timely response to all complaints received regarding runoff events. Only after violations are verified can appropriate action be taken. Once violations are verified, appropriate steps are taken to address the violations, and, most importantly, implement steps to prevent future problems.

The DEC appreciates your concern and interest in the Owasco Lake watershed. If you have any further questions, please do not hesitate to contact our office.

Sincerely,



Kenneth P. Lynch  
Regional Director

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cc: Doug Kierst, Cayuga County SWCD  
Charles Green, President, Owasco Watershed Lake Association  
Eileen O'Connor, Cayuga County Health Dept. and Chair, Cayuga County WQ Mgmt Agency  
Sen. Michael Nozzolio  
Assemblyman Gary Finch  
Ken Kudla, Owasco Lake resident  
Michael H. Chapman, Chairperson, Cayuga County Legislature