



Cayuga Lake Watershed Network
170 Main Street POB 348
Aurora NY 13026
www.cayugalake.org

It takes a Network to protect a watershed!

January 17, 2022

RE: Draft 2020-2022 Clean Water Act Section 303(d) List of Impaired/TMDL Waters

ATTN: Water Assessment and Implementation Section
NYSDEC, Bureau of Water Assessment and Management
625 Broadway, 4th Floor
Albany, NY 12233-3502

To Whom It May Concern,

We are requesting that DEC extend the comment period and provide more data to enable us, as well as other critical stakeholders, to carefully review and productively comment on the proposed changes in the Draft 2020-2022 Clean Water Act Section 303(d) List of Impaired Waters. Specifically, we request that DEC **extend the comment period beyond January 28, 2022 to, at a minimum, 30 days after we receive all the data that is detailed below.**

I We believe a **time extension is both warranted and crucial** because:

A. Additional data is needed including DEC's **as yet unavailable** response to the many sediment impairment questions submitted in response to the draft Total Maximum Daily Load (TMDL) for Total Phosphorus in Cayuga Lake.

Without answers to the these submitted questions and receipt of other data ((as detailed below), we and all stakeholders will be severely handicapped in our ability to provide meaningful comments on the proposed changes in Draft 2020-2022 Clean Water Act Section 303(d) List of Impaired Waters. Of course, to enable appropriate public review of this new data, the comment period must be extended;

B. Truncated and inadequate comment period;

1. Released at the height of holiday season (12/29), the "Notice of Availability for Public Comment" could not be immediately attended to by most concerned citizens; thus, in practice, the period for comment was reduced to 25 days; additionally
2. January may be the most inopportune time of the year for watershed organizations to provide meaningful comments -- relevant committees and

boards across the watershed have set schedules and full agendas for the first month of the new year. This includes appointing new members, making committee assignments, and generally planning their work for 2022. Consequently, reviewing the proposed changes/supporting information and preparing/approving/submitting productive comments will be almost impossible by the current January 28 deadline for comments.

Because of these informational deficits and logistical obstacles, we believe the comment period should be **extended to at least 30 days after we (and other stakeholders) receive all the requested data.**

II As mentioned above, meaningful feedback on this delisting cannot be provided without additional data; we request that **DEC respond to the following data questions and issues:**

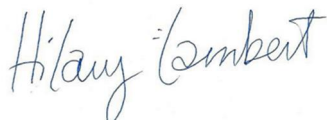
- A. How does DEC plan to address the interconnectedness of sediment and phosphorus?
1. Please provide detailed responses to the sediment questions submitted in response to the draft TMDL for Total Phosphorus in Cayuga Lake.
 2. Please clarify how DEC will address the sediment related phosphorus loading to Cayuga Lake in the absence of a listed sediment impairment or Nine Element Plan recognizing the role of sediment.
- B. Please provide a detailed explanation of the “flaws in [the] original analysis” which DEC cited as a key rationale for delisting all silt/sediment impairments in New York.
- C. The Consolidated Assessment and Listing Methodology (NYS DEC, 2021) provides a detailed description of the assessment methodology, listing methodology, and data requirements for proposed new listings in Tompkins County and relevant watersheds. Please provide the following information for the waterbodies listed in the table below so that we can make informed comments on the draft 303(d) list:
- core indicator
 - two years of water quality data
 - the location of the minimum number of samples collected, and
 - the water quality standard of the relevant parameter

Waterbody	Segment ID	County	Pollutants
Lower Fall Creek	0705-1036	Tompkins	Iron, pH
Upper Cayuga Inlet	0705-0059	Tompkins	pH
Lake Como	0705-0029	Cayuga	Total phosphorus
Lower Owasco Inlet	0706-0002	Cayuga	pH

We regret that in making these data requests we add to the burdens facing DEC’s dedicated staff. Unfortunately, the near-certainty of more frequent high-runoff weather events in our future means that sediment will be entering the lake more frequently

and in greater volume. This makes it even **more imperative** that we receive the data we are requesting and have more time (at least 30 days after the data is received) to review and comment on that data. A positive response from DEC will greatly enhance our ability to contribute to DEC's efforts to improve and safeguard the water quality of Cayuga Lake for generations to come.

Sincerely,

A handwritten signature in blue ink that reads "Hilary Lambert". The signature is written in a cursive, flowing style.

Dr. Hilary Lambert, Executive Director
Cayuga Lake Watershed Network

C: Hon. Thomas O'Mara, New York State Senator, District 58; Hon. Pamela Helming, New York State Senator, District 54; Hon. Peter Oberacker, New York State Senator, District 51; Hon. Anna Kelles, New York State Assembly, District 125
Basil Seggos, Commissioner, NYSDEC; Matthew Marko, Director, NYSDEC, Region 7; Mark Klotz, Director, NYSDEC, Division of Water; Karen Stainbrook, NYSDEC, Division of Water; Alexander J. Smith, NYSDEC, Division of Water; Jacqueline Lendrum, NYSDEC, Division of Water; Anthony Prestigiacomo, NYSDEC, Finger Lakes Watershed Hub