

**Town of Springport
Local Law 2 of 2003**

A Local Law to protect the public drinking water supply source for residents of the Town of Springport by encouraging the sound management of agricultural wastes.

Be it enacted by the Town Board of the Town of Springport as follows:

SECTION 1: LEGISLATIVE INTENT

A significant number of residents of the Town of Springport receive or will receive their drinking water from groundwater wells operated by the Village of Union Springs. These high-producing wells located in Union Springs draw water from a bedrock aquifer that is highly susceptible to contamination due largely to its permeable and shallow nature.

The land area that contributes groundwater recharge to the Union Springs wells is referred to as the Wellhead Protection Area. This area is depicted in Figure 1 that is attached and made part of this Local Law. The most vulnerable portions of the Wellhead Protection Area are Hydrologically Sensitive Areas where the permeable limestone or dolostone bedrock is at or within three feet of the land surface (see Figure 1).

The principal land use in the Wellhead Protection Area in Springport is agriculture. Water quality problems can arise from agricultural operations if there is improper management, excessive intensity, or inappropriate land uses. Agricultural waste collection, storage, and disposal are of particular concern in the Wellhead Protection Area since there are a number of associated potential contaminants including nitrate, nitrite, bacteria, and pathogens.

It is the intent of this Local Law to ensure a safe, reliable, and cost-effective drinking supply for residents of Springport by encouraging the careful management of agricultural wastes in the Wellhead Protection Area. This Local Law has been written to be consistent with requirements of the New York State Department of Environmental Conservation (NYSDEC). It also follows guidelines published by the New York State Department of Agriculture and Markets to not unreasonably restrict or regulate farm operations.

SECTION 2: AREA OF APPLICABILITY

This Local Law shall apply to that portion of the Wellhead Protection Area located in the Town of Springport outside of the Village of Union Springs (see Figure 1). The Wellhead Protection Area was mapped by the New York Rural Water Association in the Union Springs Wellhead Protection Plan. The Hydrologically Sensitive Areas are based upon soils data published in the Cayuga County Soil Survey.

SECTION 3: DEFINITIONS

The following definitions shall be controlling for the purposes of this Local Law:

Agricultural Environmental Management (AEM) Planner - a planner deemed qualified by the Commissioner of Agriculture and Markets, in consultation with the State Soil and Water Conservation Committee, to develop and review Agricultural Waste Management Plans for Concentrated Animal Feeding Operations (CAFOs) in New York State.

Agricultural Waste Management Plan (AWMP) – A plan prepared by a qualified AEM planner in accordance with good engineering practices that include measures necessary to prevent pollutants in runoff. The plan shall describe and ensure the implementation of practices that are to be used to assure compliance with the limitations and conditions of the CAFO permit. Facilities identified in the AWMP shall be designed, constructed and operated in accordance with the National Resource Conservation Service (NRCS) Conservation Practice Standard No. 312 -NY standards.

Agricultural Waste Storage Facility – an impoundment made by constructing an embankment and/or excavating a pit, or by fabricating a structure to temporarily store agricultural wastes such as manure, wastewater, and contaminated runoff.

Agricultural Waste Treatment Facility – a facility to biologically treat agricultural waste such as manure and wastewater. Commonly it is composed of an impoundment made by constructing an embankment and/or excavating a pit or dugout, or by fabricating a structure (i.e. anaerobic lagoons). Other treatment facilities included constructed wetlands, anaerobic digestors, etc.

Animal Feeding Operation (AFO) - a lot or facility where animals have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period, and the animal confinement areas do not sustain crops, vegetation, forage growth, or post-harvest residues in the normal growing season.

Animal Unit - a unit of measurement for any animal feeding operation calculated by adding the following numbers: number of slaughter and feeder cattle and dairy heifers multiplied by 1.0, plus the number of mature dairy cattle multiplied by 1.4, plus the number of swine weighing over 55 pounds multiplied by 0.4, plus the number of sheep multiplied by 0.1, plus the number of horses multiplied by 2.0.

Best Management Practices – shall be the reasonably economically, physical and/or managerial procedures that minimize environmental impact of agricultural activities.

Composting Facility – a facility to treat agricultural waste and possibly other wastes through biological stabilization of organic material (decomposition).

Concentrated Animal Feeding Operation (CAFO) – an animal feeding operation that is regulated by the New York State Department of Environmental Conservation (NYSDEC) under General SPDES Permit GP-99-01. CAFOs are currently defined as having more than 1,000 animal units or having more than 300 animal units with the potential to discharge wastes to surface waters.

Hydrologically Sensitive Areas – portions of the Wellhead Protection Area that are particularly susceptible to contamination. It include areas where permeable limestone and dolostone bedrock is at or within three feet of the land surface as determined by geological and soil mapping (see Figure 1).

Manure Transfer System – a manure conveyance system to transfer farm generated agricultural wastes (e.g. manure, soiled bedding material, spilled feed, processing or wash water, and other wastes) to a composting facility, agricultural waste storage facility, agricultural waste treatment facility, a loading area, and/or agricultural land for application and final utilization. Such a system typically includes any combination of hoppers, pumps, tanks, reception pits, lined ditches, pipelines, sprinklers, and/or spreaders.

Wellhead Protection Area – the land area that contributes groundwater flow to the municipal wells operated by the Village of Union Springs (see Figure 1). The New York Rural Water Association delineated this area.

SECTION 4: NOTICE OF INTENT

Any owner or operator of a CAFO who is utilizing a composting facility, manure transfer system, agricultural waste storage facility, and/or agricultural waste treatment facility within the Wellhead Protection Area at the time of enactment of this Local Law must submit a Town of Springport CAFO Notice of Intent (NOI) to the Town of Springport within sixty (60) days of the effective date of this Local Law.

After the effective date of this Local Law, any owner or operator of a CAFO who is planning to utilize a composting facility, manure transfer system, agricultural waste storage facility, and/or agricultural waste treatment facility within the Wellhead Protection Area that was not being utilized by the CAFO at the time of enactment of this Local Law must submit a Town of Springport CAFO Notice of Intent (NOI) to the Town of Springport at least thirty (30) days prior to use of the facilities.

After the effective date of this Local Law, any owner or operator of a CAFO who is planning to construct or enlarge a composting facility, manure transfer system, agricultural waste storage facility, and/or agricultural waste treatment facility within the Wellhead Protection Area must submit a Town of Springport CAFO Notice of Intent (NOI) to the Town of Springport at least thirty (30) days prior to commencement of construction activities.

The NOI must be filed using the attached Town of Springport CAFO NOI form and include a map showing the location of any composting facility, manure transfer system, agricultural waste storage facility, and/or agricultural waste treatment facility that is currently being utilized or will be constructed or utilized with respect to the Wellhead Protection Area and Hydrologically Sensitive Areas. Note that this map should include all lands that may be used in the future for agricultural waste application and final utilization.

If any portion of the composting facility, manure transfer system, agricultural waste storage facility, and/or agricultural waste treatment facility that is currently being utilized or will be constructed or utilized within the Wellhead Protection Area is located within 1,000 feet of Hydrologically Sensitive Areas (see Figure 1), the owner or operator of the CAFO must also submit copies of its State Pollutant Discharge Elimination System (SPDES) Permit, the completed NYSDEC Notice of Intent (NOI), and any other NYSDEC permit(s) required or issued for this facility.

SECTION 5: REVIEW OF ACTIVITIES

Any legally authorized representative(s) of the Town of Springport, may at a reasonable time and in a reasonable manner, enter such grounds, structures, buildings, and places without fee or hindrance and have access to at reasonable times, any records that must be kept under the conditions of the CAFO permit for the purpose of verifying the accuracy of the information filed with the Town.

SECTION 6: PENALTIES FOR VIOLATIONS

Any person or entity who does not submit a Town of Springport CAFO NOI as required in this Local Law or does not allow access for legally authorized representative(s) of the Town of Springport, shall be guilty of a violation and, upon conviction thereof, shall be punished by a fine of not less than the sum of \$ 100.00 and not more than the sum of \$ 1000.00. When a violation of this Local Law is continuous, each twenty-four (24) hour period shall constitute a separate and distinct offense.

The Town of Springport may also maintain an action or proceeding in a court of competent jurisdiction to compel compliance with or restrain by injunction the violation of the provisions of this Local Law.

SECTION 7: VALIDITY

If any section or provision of this Local Law shall be adjudicated invalid for any reason, the same shall not affect the validity of the remainder of this Local Law.



SECTION 8: EFFECTIVE DATE

This Local Law shall take effect upon its filing with the Secretary of State.

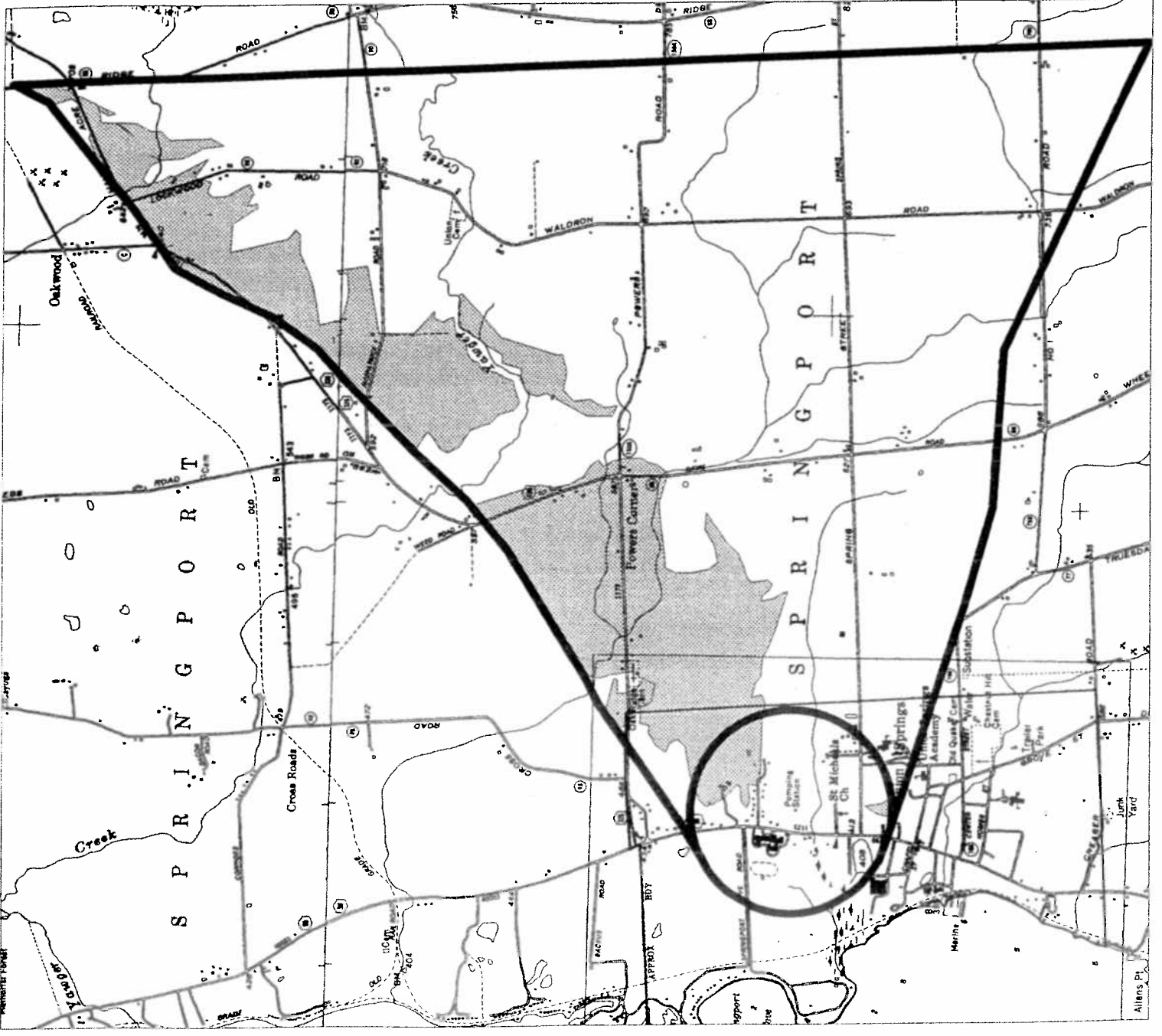
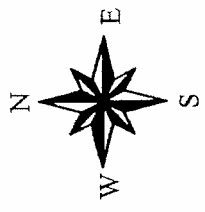
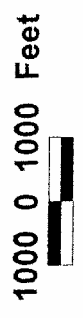
Figure 1

Wellhead Protection Area

Legend

-  Wellhead Protection Area
-  Hydrologically Sensitive Areas

Scale



Map Prepared By
New York Rural Water Association

**Town of Springport
CAFO Notice Of Intent (NOI)**

Any owner or operator of a CAFO who is utilizing a composting facility, manure transfer system, agricultural waste storage facility, and/or agricultural waste treatment facility within the Wellhead Protection Area at the time of enactment of Local Law#_ of 200_ must submit a Town of Springport CAFO Notice of Intent (NOI) to the Town of Springport within sixty (60) days of the effective date of Local Law#_ of 200_.

After the effective date of Local Law#_ of 200_, any owner or operator of a CAFO who is planning to utilize a composting facility, manure transfer system, agricultural waste storage facility, and/or agricultural waste treatment facility within the Wellhead Protection Area that was not being utilized by the CAFO at the time of enactment of Local Law#_ of 200_ must submit a Town of Springport CAFO Notice of Intent (NOI) to the Town of Springport at least thirty (30) days prior to use of the facilities.

After the effective date of Local Law#_ of 200_, any owner or operator of a CAFO who is planning to construct or enlarge a composting facility, manure transfer system, agricultural waste storage facility, and/or agricultural waste treatment facility within the Wellhead Protection Area must submit a Town of Springport CAFO Notice of Intent (NOI) to the Town of Springport at least thirty (30) days prior to commencement of construction activities.

SECTION 1: LOCATION AND CONTACT INFORMATION

FACILITY LOCATION INFORMATION

Facility/Company Name: _____
Street: _____
Tax Map Parcel ID: _____
Town: _____
Tel: Fax: Email: _____

FACILITY CONTACT INFORMATION

Owner Name: _____
Operator Name: _____
Street or P.O. Box: _____
City: State: Zip Code: _____
Tel: Fax: Email: _____

FACILITY LOCATION INFORMATION

Facility/Company Name: _____
Street: _____
Tax Map Parcel ID: _____
Town: _____
Tel: Fax: Email: _____

FACILITY CONTACT INFORMATION

Owner Name: _____
Operator Name: _____
Street or P.O. Box: _____
City: State: Zip Code: _____
Tel: Fax: Email: _____

SECTION 2: DESCRIPTION OF FACILITIES

Describe the facilities that are being utilized or will be constructed or utilized, including the characteristics of the facility manure (liquid, semi-solid or solid), the type(s) and number of animals at the CAFO, the quantity of wastes to be handled at the facility, the types of waste treatment or handling processes, and waste disposal/discharge practices and locations.

Has an Agricultural Waste Management Plan, developed in accordance with NRCS CPS No. 312 - NY, been prepared for this facility by a qualified Agricultural Environmental Management (AEM) Planner?

Yes No

If Yes, what is the name and address of the qualified AEM Planner?

If No, when do you anticipate having the Agricultural Waste Management Plan completed?

SECTION 3: OTHER REQUIREMENTS

Attach a map at a suitable scale showing the location of all composting facilities, manure transfer system(s), agricultural waste storage facilities, and/or agricultural waste treatment facilities that are being utilized or will be constructed and/or utilized with respect to the boundaries of the Wellhead Protection Area and Hydrologically Sensitive Areas (see Local Law #_ of 200_ for map information). Include all lands that may be used in the future for agricultural waste application and final utilization.

Are any portions of the facilities in the Wellhead Protection Area located within 1,000 feet of Hydrologically Sensitive Areas?

Yes No

If yes, the CAFO owner or operator must attach copies of: the State Pollutant Discharge Elimination System (SPDES) Permit; the completed NYSDEC General Permit (GP-99-01) Notice of Intent (NOI); and any other DEC permit(s) required or issued for this facility.

SECTION 4 - OWNER/OPERATOR CERTIFICATION

I certify under penalty of law that the information contained in this NOI and all attachments (if any) is, to the best of my knowledge and belief, true, accurate, and complete.

Name (please print or type)

Signature

Date

Authorization No. (Town Use Only): _____