



Department of  
Environmental  
Conservation

## Response to Public Comments

# New York State 2020/2022 Clean Water Act Section 303(d) List of Impaired Waters Requiring a Total Maximum Daily Load

**ISSUED**

**SEPTEMBER 11, 2024**

**Kathy Hochul, Governor | Sean Mahar, Interim Commissioner**

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# Response to Public Comments on the New York State 2020/2022 Clean Water Act Section 303(d) List of Impaired Waters Requiring a TMDL

## Introduction

Pursuant to Clean Water Act (CWA) Section 303(d), every two years states are required to publish a list of waterbodies not meeting water quality standards (WQS), not supporting best uses (e.g., source of water supply, primary and secondary contact recreation, fishing, etc.), and requiring the development of a Total Maximum Daily Load (TMDL). These waterbodies, along with the pollutant causing the impairment<sup>1</sup>, are the “waterbody-pollutant combinations” that make up the Final New York State 2020/2022 Clean Water Act Section 303(d) List of Impaired Waters Requiring a TMDL (Final NYS 2020/2022 List).

## Background

On December 31, 2021, the New York State Department of Environmental Conservation (DEC) publicly noticed a draft of the New York State 2020/2022 Clean Water Act 303(d) List of Impaired Waters Requiring a TMDL (Draft NYS 2020/2022 List) for public review and comment in the Environmental Notice Bulletin (ENB). DEC provided a thirty (30) day comment period. The comment period was extended, by request, for an additional twenty-nine (29) days and ended on February 25, 2022.

Public comments were received from various organizations, municipalities, governments, private entities, and individuals. This responsiveness summary generally addresses all comments timely received. The [waterbody specific comments](#) are organized by drainage basin, with [general comments](#) regarding general assessment and listing procedures and [frequently raised comments](#) addressed in separate sections at the beginning of this responsiveness summary. A [log of commenters](#) is included at the end of this document.

Prior to the development of the Draft NYS 2020/2022 List, a public solicitation for data ran from May 2021 through September 2021. Water quality data received during the data solicitation period were evaluated. DEC updated waterbody assessments based on data that met the data quantity and quality framework, supported by State laws<sup>2</sup>, and outlined in DEC’s Consolidated Assessment and Listing Methodology (the CALM<sup>3</sup>).

In accordance with DEC’s Commissioner Policy-42, DEC offered consultation to all nine Native Nations regarding the Draft NYS 2020/2022 List; as a result, consultations were conducted with several Native Nations. Coordination and consultation with Native

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<sup>1</sup> Impairment is defined as “Failure to support a water quality standard” (USEPA, Guidance for 2006 Assessment, Listing, and Reporting Requirements Pursuant to Section 303(d), 305(b) and 314 of the Clean Water Act), page 68.

<sup>2</sup> Environmental Conservation Law § 3-0119 and Public Health Law Chapter 45, Article 5, Title 1,

<sup>3</sup> <https://dec.ny.gov/environmental-protection/water/water-quality/nys-section-303d-list-of-impaired-tmdl-waters>

Nations regarding the 303(d) List is not restricted to the 303(d) List public comment period and continue to be offered by DEC.

## ***Frequently Raised Comments***

**Comment 1:** DEC received comments asserting that a waterbody must be impaired in order for a municipality to receive grants for projects related to the waterbody. Commenters are concerned that removing waters from the 303(d) List will decrease the opportunity for funding. [2] [3] [22] [32] [39] [42-75] [77]

**Response 1:** The 303(d) List identifies waterbody/pollutant combinations where NYS WQS are not being met (i.e., impaired). Impairment status is considered during scoring of some water quality improvement project grant applications to determine the environmental improvement for the proposed project, but waterbodies are not required to be listed as impaired to receive DEC Division of Water funding.

**Comment 2:** DEC received requests for an extension of the public comment period. [6-8] [24] [33-34] [82] [86-199]

**Response 2:** DEC extended the comment period by an additional 29 days, providing a total of 59 days for public comment.

**Comment 3:** DEC received comments of concern that data collected by volunteers or other external partners is not used for the assessment and listing of waters because it does not meet the Division of Water's (DOW) Data Quality requirements noticed in the Data Solicitation and detailed in the [CALM](#). One commenter submitted data outside of the data solicitation period. [4] [12] [16-17] [29-33] [35-41] [70]

**Response 3:** Stringent data quality assurance requirements for the assessment and listing of waters are required by NYS law and both State and Federal regulation.

In accordance with § 3-0119 (Laboratory tests) of the NYS Environmental Conservation Law (ECL) and § 502 of the NYS Public Health Law (PHL), Chapter 45, Article 5, Title 1, water quality data submitted for the purpose of updating assessments must be analyzed by a NYS Department of Health (DOH) Environmental Laboratory Approval Program (ELAP) accredited laboratory for parameters that DOH certifies and using methods approved under Federal Regulations 40 CFR Part 136. Alternate laboratories or analysis methods may be used consistent with DEC's Technical Operational Guidance Series (TOGS) 1.3.7. Additionally, water quality data submitted for the purpose of updating assessments follows nationally accepted quality assurance protocols in accordance with the American National Standard ASQ/ANSI E4-2014 and address the critical elements of data quality by employing Quality Assurance Project Plans (QAPP) based on guidance provided by the EPA (EPA QA/G-5 May 2006) and Standard Operating Procedures (SOPs) (EPA QA/G-6 March

2001), or similarly structured documentation. This framework, supported by State laws<sup>4</sup>, is clearly outlined in the CALM, as well as DEC's data solicitation notice.

Additionally, data submitted with the intent of updating the 303(d) List is submitted during the data solicitation period that takes place every odd year from May through September. DEC may use this solicited data, along with data generated by its own programs, to arrive at a 303(d) List that is released for public comment. From that point forward, listings/delistings are limited to those that were considered in the draft list. New information received during the public comment period is considered in the next listing cycle.

**Comment 4:** DEC received requests for the water quality data used to list specific waterbodies on the 303(d) List. [7] [11] [15] [24-28] [33] [35] [40-41] [69] [79]

**Response 4:** Individual requests for data, made prior to the close of the comment period, were fulfilled. In addition, the public has access to DOW's water quality monitoring data via the [DOW Monitoring Data Portal](#)<sup>5</sup>.

**Comment 5:** DEC received requests for an explanation of the delisting rationale: "flaws in original analysis", as well as requests for DEC to rescind its proposal to delist waterbodies originally listed due to Fish Consumption Advisories, waters originally impaired due to "biological impacts," and waters originally impaired due to Silt/Sediment. [1-4] [7] [13] [15-17] [19-21] [33-41] [77-585]

**Response 5:** Federal regulations require states to demonstrate good cause for delisting waterbody/pollutant combinations.(40 CFR, 130.7). As stated in EPA's 2002 and 2006 Integrated Reporting Guidance Memo, good cause includes, but is not limited to: more recent and accurate data; more sophisticated water quality modeling; flaws in the original analysis that led to the waterbody being listed; or changes in conditions, e.g., new control equipment, or elimination of discharges.

The following is a discussion of DEC's good cause for delisting waterbody/pollutant segments due to flaws in original analysis and changes reflected in the Final NYS 2020/2022 List:

#### ***Fish Consumption Advisories***

Changes were made to the listing of waterbody/pollutant combinations originally assessed based on the issuance of fish consumption advisories (FCAs) by DOH. In the Draft NYS 2020/2022 List, DEC initially proposed to delist these waterbody/pollutant combinations because the DOH FCAs suggest that the associated Health (Fish Consumption) WQS is violated but do not definitively demonstrate that water column concentrations are above the WQS. Without water column data from the waterbody included on the 303(d) list, DEC cannot

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<sup>4</sup> Environmental Conservation Law § 3-0119 and Public Health Law Chapter 45, Article 5, Title 1,

<sup>5</sup><https://nysdec.maps.arcgis.com/apps/webappviewer/index.html?id=692b72ae03f14508a0de97488e142ae1>

confirm a violation of the applicable water quality standard relative to the FCA; therefore, the original analysis used to list waters based on issuance of FCAs by DOH was considered to be flawed.

However, DEC believes it is prudent to refrain from delisting waters originally listed based on DOH FCAs until recently shared water quality data from DEC programs, can be reviewed and evaluated and compared to DEC Health (Fish Consumption) WQSs. Therefore, the Final NYS 2020/2022 list continues to list waters based on fish consumption advisories as impaired.

Over the next Integrated Reporting cycle, DEC will evaluate all available surface water quality data for waters with FCAs where such data is collected in accordance with the CALM. Where data confirms Health (Fish Consumption) WQSs are being attained in these waters, the waters will be assessed as impaired/unconfirmed requiring additional information. Where data confirms Health (Fish Consumption) WQSs are not being attained in these waters, the waters will be assessed as impaired on the 303(d) List. DEC acknowledges DOH FCAs are based on the presence of a contaminant in fish tissue. Therefore, DEC commits to evaluating if contaminants in waterbodies, for which DOH issued a FCA, exceed Health (Fish Consumption) type WQSs ([6 NYCRR Part 702.8](#)) defined in [6 NYCRR Part 703](#). In accordance with the [CALM](#), DEC will continue to review FCAs during the assessment process as supplemental data indicators. For more information on supplemental indicators, see the [CALM](#).

#### ***Unknown (Biological Impacts)***

No changes were made to the listing of waterbody/pollutant combinations originally included based on biological assessment profile scores and listed as “Unknown (Biological Impacts)”. In the Draft NYS 2020/2022 List, DEC proposed to delist waterbody/pollutant combinations that were included on the previous list based on the assessment of Aquatic Life Use Support based on biological assessment profile scores and listed as “Unknown (Biological Impacts).” Unknown (Biological Impacts) does not have an adopted WQS or guidance value in 6 NYCRR Part 703; therefore, the original analysis was flawed.

These waterbodies have been moved to Integrated Reporting (IR) category 3 (insufficient information to make a listing determination) and will be prioritized during routine monitoring by DEC’s water quality monitoring programs to confirm any violation of WQSs in 6 NYCRR Part 703. In accordance with the [CALM](#), biological assessment profile scores will continue to be reviewed during the assessment process as supplemental data indicators. For more information on supplemental indicators, see the [CALM](#).

#### ***Silt/Sediment***

No changes were made to the listing of waterbody/pollutant combinations originally listed for Silt/Sediment. In the Draft NYS 2020/2022 List, DEC proposed to delist waterbody/pollutant combinations that were included on the previous list

based on the assessment of Silt/Sediment as the pollutant causing impairment. Previous assessments did not follow the framework set forth in the CALM. Those previous assessments were not associated with an applicable adopted WQS in 6 NYCRR Part 703 and were made using insufficient data, such as observational information without adequate documentation, or using metrics with insufficient data that did not verify conditions and validate conclusions. Therefore, the original analysis was flawed.

These waterbodies have been moved to IR 3 and will be prioritized during routine monitoring by DEC's water quality monitoring programs to confirm any violation of WQSs in 6 NYCRR Part 703

**Comment 6:** DEC received comments that were generalized statements of concern that if fish consumption advisories are not used as a basis for including waters on the 303(d) List, then people will eat the fish. [83-199]

**Response 6:** The 303(d) List is a list of waters where data reflect violations of a WQS, do not support best use(s), and require a TMDL. Fish consumption advisories issued by DOH are not based on surface water quality data, which is necessary to evaluate against applicable WQS, as required by CWA regulations. DOH issues and maintains the list of fish consumption advisories. Fish consumption advisory information should be obtained directly from DOH.

**Comment 7:** DEC received comments stating that DEC did not consult with Onondaga Nation as required under Commissioner's Policy for Contact, Cooperation, and Consultation with Indian Nations (CP-42). [83-199]

**Response 7:** The 303(d) List is a continual planning process and consultation with Indian Nations is not restricted to the allotted public comment period. Prior to the release of the Draft NYS 2020/2022 List, DEC's Office of Indian Nation Affairs informed Nations of its availability for review. Since the release of the Draft NYS 2020/2022 List, DEC issued an open invitation for consultation with Indian Nations and, as a result, consulted with several Nations. These consultations and follow up technical discussions provided valuable insight for the future collaboration on the assessment and listing of waters. DEC is committed to ongoing consultation with the Onondaga Nation regarding water quality assessments in or around the Onondaga Nation. DEC welcomes and appreciates water quality data and information from the Nation at any time.

DEC welcomes and appreciates consultations and technical discussions with Indian Nations about the 303(d) List.

**Comment 8:** DEC received comments stating that harmful algal blooms (HABs) are evidence of impairment but were not used in developing the Draft NYS 2020/2022 List. [4] [42-75]



**Response 8:** The 303(d) List is a list of waters violating WQSs, not supporting best use(s), and that require a TMDL. HABs alone are not documentation of a WQS violation or that a water is not supporting its best use and they are not a pollutant. Traditionally, HABs have been problematic in high nutrient systems. For the purpose of assessment and listing, DEC evaluates the narrative WQS for nutrients, which looks at the growth of algae, weeds, and/or slimes which is translated through our numeric guidance value for phosphorus (TOGS 1.1.1). While DEC acknowledges the threat HABs create to the quality of NY's surface waters, without an identified pollutant that can be reduced by implementing a TMDL, waterbodies experiencing HABs alone do not belong on the 303(d) List. In waters where the nutrient concentration (TP) exceeds the guidance value, those waters with TP as the pollutant (cause of impairment) are placed on the 303(d) list. When there is not an exceedance of the corresponding guidance value for phosphorus, DEC reports the excessive algal/plant growth to EPA in IR Category 4c, i.e., TMDL is not appropriate because the sole impairment is the result of pollution, rather than a pollutant that can be allocated through a TMDL (EPA 2006 IR Guidance).

In the past several decades, HABs have been increasingly reported in low- and moderate-productivity lakes and reservoirs. Several factors, not related to phosphorus concentrations, are important for HABs in low- and moderate-nutrient waters, including increases in water temperature, alteration of seasonal thermal stratification patterns, other climate change impacts, invasive mussels, and lake morphometry (i.e., orientation, fetch length). A TMDL cannot address non-pollutant factors, but more appropriate alternative planning methods (e.g., HABs Action Plans ) can model and address these factors.

**Comment 9:** DEC received comments regarding development, timing, and prioritization of waterbody specific TMDLs. [3] [10] [42-75]

**Response 9:** Establishing TMDL priorities is part of the Clean Water Vision process and is outside the scope of this action. Information on the Clean Water Vision process and NYS' strategy may be found at <https://www.dec.ny.gov/chemical/23835.html>.

**Comment 10:** DEC received comments regarding the accessibility of assessment factsheets and their limited scope of information.[3] [14] [23]

**Response 10:** All available WI/PWL factsheets are accessible via the [DECinfo Locator](#)<sup>6</sup>. The [DECinfo Locator](#) has a search by location feature where users can enter address, latitude/longitude, or waterbody name.

Waterbody assessment factsheets are updated to reflect the [CALM](#). While DEC acknowledges that the previous factsheets offered further details about other activities in the watershed, the current factsheets reflect current and scientifically

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<sup>6</sup> <https://gisservices.dec.ny.gov/gis/dil/>

defensible assessments. Factsheet updates to reflect the Final NYS 2020/2022 List will be announced in the Division of Water electronic publication, Making Waves<sup>7</sup> and posted on the [DECinfo Locator](#).

### **General Comments**

Public comments received regarding general assessment and listing procedures and DEC's responses are presented below.

**Comment 11:** DEC should make the criteria used to establish PWL units ("segments") and the factsheets for waters included on the Draft 303(d) List available for review.

[1][14]

**Response 11:** The criteria used to delineate waterbody segments and establish PWL units are described in the CALM. Boundaries for individual waterbody segments are determined by taking a number of factors into consideration, including waterbody type, classification, hydrologic drainage, waterbody length/size, homogeneity of land use, and watershed character. Factsheet updates for newly listed waterbodies contained in the Final NYS 2020/2022 List will be announced in [Making Waves](#) and posted on the [DECinfo Locator](#).

**Comment 12:** DEC should provide the triggering criteria and rationale for all pollutants of concern (specifically phosphorus and ammonia). [1] [14]

**Response 12:** The [CALM](#) specifies that the assessment of whether a waterbody meets its best use(s) is conducted by evaluating all applicable numeric and narrative WQSs and guidance values. The guidance value for Total Phosphorus (TP) is the numeric translation of the narrative WQS for nutrients used for the assessment of primary contact recreation use in class B ponded waters and is available in [TOGS 1.1.1](#). The WQS for Ammonia is applicable to fresh and saline waters with trout (T) and trout spawning (TS) specifications. The WQS for Ammonia is available in [6 NYCRR Part 703](#).

**Comment 13:** DEC should be more transparent about their process and reasoning and consider folks working on the ground to improve and protect our waterways by making information easier to access, not harder. [2]

**Response 13:** DEC strives to be transparent throughout the 303(d) List process. The 303(d) List data solicitation period, waterbody assessment factsheets<sup>8</sup> and the water quality monitoring portal<sup>9</sup> are all available to the

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<sup>7</sup> Making Waves is a weekly electronic newsletter which provides updates and notifications regarding DOW programs and highlights water issues in New York State. Register for Making Waves at <https://www.dec.ny.gov/chemical/290.html>

<sup>8</sup> <https://gisservices.dec.ny.gov/gis/dil/>

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<https://nysdec.maps.arcgis.com/apps/webappviewer/index.html?id=692b72ae03f14508a0de97488e142ae1>

public. Updates and important information about these topics are announced in the ENB and [Making Waves](#).

**Comment 14:** DEC should include Silt/Sediment, PCBs, and PAHs in the Use Assessment Criteria tables of the [CALM](#). [3]

**Response 14:** All parameters that have adopted narrative and numeric WQSs in 6 NYCRR Part 703 are included as Core Indicators in each Use Assessment Criteria table in the [CALM](#). These criteria are captured as “Narrative and Numeric WQSs in 6 NYCRR Part 703 for Class...waters, including but not limited to:...”, followed by a subset of specific parameters that are common indicators of Best Use Support.

**Comment 15:** DEC should include Interquartile Ranges (IQR) for Silt/Sediment, PCBs, and PAHs in Table 6 of the [CALM](#). DEC should include a list of all parameters that are monitored in Tables 1-6 of the [CALM](#). [3]

**Response 15:** The process for deriving IQR for Core Indicators is described in the [CALM](#). In the future, as water quality datasets expand, DOW will derive IQRs for additional Core Indicators.

**Comment 16:** If DEC changes the 303(d) List in the manner proposed, it will be difficult to demonstrate the need for restoration or other improvements for Niagara River and tributaries, Ellicott Creek, Tonawanda Creek, Bull Creek, South Branch Smoke Creek, Black Rock Canal, Delaware Park Pond, Cayuga Creek, and Gill Creek. [3]

**Response 16:** Restoration activities are not dependent on a 303(d) Listing. For more information about Clean Water Planning, visit: <https://www.dec.ny.gov/chemical/23835.html>

**Comment 17:** DEC must monitor for PCBs and pathogens and consider available data for these pollutants, as a complete 303(d) List cannot be compiled without such data. [4]

**Response 17:** Comments on the specific water quality monitoring parameters collected by DEC’s monitoring programs are outside the scope of the 303(d) assessment and listing process. For more information on specific water quality monitoring conducted by DEC please visit: <https://www.dec.ny.gov/chemical/23848.html>.

DEC considers all data and information that meets the minimum data quality and quantity requirements in accordance with the CALM, regardless of whether such data is provided by DEC’s own monitoring programs or received during DEC’s data solicitation process. This includes PCB or pathogen data. A waterbody is included on the 303(d) List when valid water quality data demonstrates that there are violations of applicable WQS and the applicable best uses are not supported.

In accordance with the CALM, the violations must occur more than once and in more than one sampling year. DEC adopted WQS for PCBs can be found in 6 NYCRR 703.5. DEC adopted WQS for pathogens can be found in 6 NYCRR 703.4.

**Comment 18:** DEC may not delist waterways solely because the Consolidated Assessment and Listing Methodology sets new parameter qualifications for water quality criteria compliance. [4]

**Response 18:** The waters proposed for delisting were not delisted due to a changes in the CALM. Delisting of waters is supported by EPA when there is a flaw in the original analysis<sup>10</sup>. Please see Response 5.

**Comment 19:** The original listing year of waterways must stay unaltered with each finalized Draft List. [4]

**Response 19:** DEC agrees and will not alter the original listing year for each waterbody/pollutant combination on the Final NYS 2020/2022 List.

**Comment 20:** DEC must update its *Vision Approach to Implement the Clean Water Act 303(d) Program and Clean Water Planning* (“Vision Approach”). [4]

**Response 20:** DEC is currently working with EPA to update its *Vision Approach to Implement the Clean Water Act 303(d) Program and Clean Water Planning*. Updated plans are due to EPA by April 1, 2024. Updates to the Vision process will be announced in [Making Waves](#); the public is encouraged to sign up for Making Waves to receive these and other future program updates and notifications.

**Comment 21:** Does DEC plan to develop a Silt/Sediment WQS? If not, how does DEC plan to address water quality impairments related to excess sedimentation? [34] [35] [36] [41]

**Response 21:** Comments pertaining to WQS development are outside the scope of the 303(d) List. WQS rulemaking includes its own public comment period that will be announced in [Making Waves](#) and the ENB. For more information about WQSs and development, please visit our website at: <https://www.dec.ny.gov/chemical/23853.html>.

**Comment 22:** Why does DEC use pH 8.5 as the WQS when EPA uses pH 9? EPA recognizes the difference between individual pH readings and chronic conditions. How does DEC differentiate between individual and chronic conditions? [35][36] [38][40]

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<sup>10</sup> [Guidance for 2006 Assessment, Listing and Reporting Requirements Pursuant to Sections 303\(d\), 305\(b\) and 314 of the Clean Water Act \(epa.gov\)](#).

**Response 22:** DEC's adopted WQS for pH is 6.5 to 8.5, which is more stringent than EPA's recommended criteria. Comments pertaining to WQS development are outside the scope of the 303(d) List. For more information about WQSs and development, please visit our website at: <https://www.dec.ny.gov/chemical/23853.html>.

**Comment 23:** Will DEC adjust the proposed MS4 GP requirements to remove Silt/Sediment listings if they are removed from the 2020/2022 list? What water quality reductions does DEC expect to see if municipalities are no longer required to address Silt/Sediment runoff in stormwater? [33][38][39][41]

**Response 23:** A decision regarding requirements of the MS4 general permit and related water quality reductions is outside the scope of the 303(d) List. This comment is relevant to MS4 general permit conditions. The MS4 general permit was noticed for public comment from January 19, 2022 to March 22, 2022. The MS4 general permit was issued on December 13, 2023, and became effective on January 3, 2024.

**Comment 24:** How can DEC justify making management decisions without first collecting more representative data? Please show DEC is meeting the minimum monitoring requirements to legitimately update the 303(d) list. [37][40]

**Response 24:** Water quality data used to make assessment and listing determinations are accompanied by a Quality Assurance Project Plan (QAPP) or Data Usability Assessment Report (DUAR) that commit to meeting data quality indicators such as precision, accuracy, bias, representativeness, completeness, comparability, and sensitivity. QAPPs and DUARs are referenced during the data review process to ensure that water quality data is representative of the waterbody, temporally and spatially. For this listing determination, DEC adhered to the data quantity and quality framework, supported by State laws<sup>11</sup>, and outlined in the CALM.

### ***Response to Waterbody Specific Comments on Section 303(d) Listed Waters***

The public comments received regarding specific waterbody/pollutant listings on the Draft NYS 2020/2022 List and the DEC's response, including changes incorporated into the Final NYS 2020/2022 List, are presented below. Comments are organized by drainage basin. DEC did not receive comments regarding waterbody/pollutant combinations in the following drainage basins: Lake Ontario, Genesee River, Susquehanna River, Black River, Saint Lawrence River, Lake Champlain, Delaware River, or Ramapo/Hackensack River. DEC water quality monitoring programs conduct monitoring on a [rotating basin schedule](#); the program is designed to monitor all major drainage basins in the state every 5 years. Along with other data collected in accordance with the CALM, data collected during this rotation will be considered for use in future assessment and listing cycles.

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<sup>11</sup> Environmental Conservation Law § 3-0119 and Public Health Law Chapter 45, Article 5, Title 1

### *Niagara River-Lake Erie Drainage Basin*

**Comment 25:** Black Rock Canal is incorrectly identified as Erie County instead of Niagara County. [3]

**Response 25:** Changes were made as suggested. The Final NYS 2020/2022 List identifies Black Rock Creek as Niagara County.

### *Atlantic Ocean/Long Island Sound Drainage Basin*

**Comment 26:** The notation for Beach/Island Ponds, Fisher Island (1701-0283) is incorrect. [9]

**Response 26:** Changes were made in response to this comment and the Final NYS 2020/2022 List includes Beach/Island Ponds, Fisher Island with the corrected segment identification of 1701-0283.

**Comment 27:** Mattituck/Marratooka Pond (1701-0129) has been listed for pathogens in error. Prior to submitting public comment on the Draft NYS 2020/2022 List, the commenter submitted a FOIL request seeking all historical data supporting the listing of Mattituck/Marratooka Pond (1701-0129), and no historic sampling data for pathogens was produced. The commenter believes that there is insufficient data to support the continued listing of this waterbody/pollutant combination. [9]

**Response 27:** No changes were made to the listing for Mattituck/Marratooka Pond. To delist this waterbody, water quality data must demonstrate that WQSs for pathogens (fecal coliforms) are being met. EPA requires sufficient justification that meets their delisting rationale (40 CFR 130.7) and their 2006 Integrated Reporting Guidance. DEC has not received any additional pathogen sampling data to support removing this waterbody/pollutant combination; therefore, this waterbody/pollutant combination remains listed on the Final NYS 2020/2022 List. For information on the data quality and quantity framework, and data submittal, see the [CALM](#).

### *Lower Hudson Drainage Basin*

**Comment 28:** Twin Island Lake should be listed as a separate segment from Thompson and Stissing. [11]

**Response 28:** Please see Response 11. Due to the similar characteristics of these hydrologically connected waterbodies, the water quality conditions are assumed to be similar within this assessment unit and no changes were made in the Final NYS 2020/2022 List for these waters.



**Comment 29:** Middle (1301-0100) and Upper (1301-0101) portions of the Saw Mill River for Chlordane should not be delisted based on the delisting rationale of flaws in original analysis. [12]

**Response 29:** Changes were made and the Final NYS 2020/2022 List continues to include the Middle and Upper portions of the Saw Mill River for Chlordane. Please see Response 5 for Fish Consumption Advisory waters.

**Comment 30:** The Lower portion of the Saw Mill (1301-0007) should not be delisted for Dissolved Oxygen due to data quality requirements of the [CALM](#) not being met according to the waterbody assessment factsheet available on DECinfo Locator. [12]

**Response 30:** No changes were made in response to this comment. The Final NYS 2020/2022 List does not include the lower portion of the Saw Mill River for Dissolved Oxygen. Water quality data used to assess the best uses of the lower portion of the Saw Mill River (1301-0007) met the minimum data quantity framework, supported by State laws, and outlined in the CALM (i.e. 8 samples for flowing waters collected over a minimum of two years). All results were in attainment with the WQS for Dissolved Oxygen, which support the delisting of this waterbody/pollutant combination.

The factsheet for the Saw Mill River available on DECinfo Locator reflects data from 2011-2018 as part of the 2018 Integrated Reporting (IR) cycle. Water quality data collected since the 2018 IR cycle (2018-2021) were used to update waterbody assessment factsheets for the draft 2020/2022 IR cycle. See Response 10 for more information regarding assessment factsheets.

**Comment 31:** DEC should utilize the pathogen indicator data submitted during the data solicitation period as a screening tool and verify any violation of fecal coliform WQSs by conducting professional sampling of the upper portion of the Saw Mill River (1301-0101). [12]

**Response 31:** DEC appreciates the suggestion to utilize water quality monitoring data as a screening tool to inform additional monitoring efforts. However, DEC's data quality framework, supported by State laws<sup>12</sup>, and outlined in the CALM, applies to data submitted for use in assessment and listing. DEC will continue to consider and evaluate all water quality data and information, that is in accordance with the CALM, and submitted during the data solicitation period. Data and information that do not result in a 303(d) listing may be evaluated as supplemental indicators of water quality to inform our water quality monitoring program priorities and follow-up, where appropriate.

**Comment 32:** The Ashokan Reservoir (1307-0004) and Esopus Creek, Upper, and minor tribs (1307-0007) should not be delisted for Silt and Sediment. [13] [15]

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<sup>12</sup> Environmental Conservation Law § 3-0119 and Public Health Law Chapter 45, Article 5, Title 1

**Response 32:** No changes were made in response to this comment. The Final NYS 2020/2022 List does not include these waterbodies for Silt and Sediment. Please see Response 5 for Silt and Sediment.

**Comment 33:** Different assessments and TMDLs are needed for Lake Rippowam and Lake Oscaleta. [14]

**Response 33:** No changes were made, and the Final NYS 2020/2022 List continues to list Lake Rippowam and Lake Oscaleta (1302-0141) as a single waterbody assessment segment. The criteria used to delineate waterbody segments is addressed in Response 11.

Lake Rippowam and Lake Oscaleta are Class B waters with similar lake conditions hydrologically connected by tributaries to Lake Waccabuc (Class A). DEC will review the waterbody segmentation of Lake Rippowam and Lake Oscaleta (1302-0141) over the next IR cycle. Should the waterbody segment be split into two discrete segments, DEC will evaluate water quality monitoring data collected in each segment to determine waterbody assessments.

**Comment 34:** Regarding Lake Waccabuc and the listing for ammonia, a commenter seeks clarification on the process for development of the TMDL and the implication of prioritization of regional TMDLs compared to waterbody level TMDLs. [14]

**Response 34:** Establishing TMDL priorities is part of the Clean Water Vision process, which is separate from the Integrated Reporting and 303(d) listing process. For more information on Clean Water Vision and NYS' strategy, please visit our website at: <https://dec.ny.gov/environmental-protection/water/water-quality/clean-water-plans>.

### ***Mohawk Drainage Basin***

**Comment 35:** DEC must update the WI/PWL and Draft List to accurately reflect the full body of data available in the Mohawk River Watershed. [4]

**Response 35:** DEC considered water quality data submitted by the commenter during the data solicitation period for the development of the Draft NYS 2020/2022 List. The Final NYS 2020/2022 List does not include changes to waterbody assessment for the Mohawk River Watershed as suggested because the data did not meet data quality framework supported by State laws<sup>13</sup>, and outlined in the CALM, as well as the data solicitation notice. See also Response 3.

**Comment 36:** Minor tribs to Mohawk River (1201-0040) should not be delisted for Unknown (Biological Impacts). [16]

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<sup>13</sup> Environmental Conservation Law § 3-0119 and Public Health Law Chapter 45, Article 5, Title 1



**Response 36:** Please see Response 5.

**Comment 37:** Minor tribs to the Mohawk River (1201-0040) should be included on the 303(d) list as impaired due to fecal indicator bacteria contamination based on an ongoing source track down study conducted by a Union College research group measuring fecal indicator bacteria (Enterococcus), started in 2018. [16]

**Response 37:** Currently, there are no New York State WQSs for Enterococcus in fresh waters. Therefore, the comparison of data for these indicators against the EPA Recreational Water Quality Criteria, or any other benchmark, are not an appropriate justification for a listing.

DEC will continue to consider and evaluate all water quality data and information, that meets the data quality and quantity requirements in accordance with the [CALM](#) and submitted during the data solicitation period. Data and information that do not result in a 303(d) listing may be used to inform our water quality monitoring priorities and follow-up, where appropriate. Assessments and impairment determinations based on this data may be appropriately designated as impaired/unconfirmed. Such designations are not meant to diminish the value or quality of the data, but rather reflects that the criteria against which that data is compared has not been adopted through NYS WQS setting procedures at 6 NYCRR 702.

**Comment 38:** DEC should conduct additional sampling to confirm that Ann Lee (Shakers) Pond, Stump Pond (1201-0096) is still impaired due to TP and should consider whether a TMDL is an effective strategy for this waterbody as the commenter believes the source of excessive nutrients is due to internal loading which cannot be addressed by a TMDL. [18]

**Response 38:** Ann Lee (Shakers) Pond, Stump Pond (1201-0096) is located within the Mohawk River Drainage Basin. DEC water quality monitoring programs conduct monitoring on a rotating basin schedule and will conduct water quality monitoring in the Mohawk River Drainage Basin in 2025. Planning meetings to select waterbodies for monitoring are anticipated to be held in April 2025 and Ann Lee (Shakers) Pond, Stump Pond (1201-0096) will be considered for additional monitoring at that point. In the meantime, DEC encourages the commenter to visit the DEC website for more information on the [Mohawk River Watershed](#) (<https://dec.ny.gov/nature/waterbodies/watersheds/mohawk-river>), and [Clean Water Plans](#) and the [Clean Water Vision](#) process (<https://dec.ny.gov/environmental-protection/water/water-quality/clean-water-plans>).

### *Upper Hudson Drainage Basin*

**Comment 39:** The commenter questioned the listing of Thirteenth Lake (1104-0260) as impaired due to iron and manganese. [16]

**Response 39:** The Final NYS 2020/2022 List includes Thirteenth Lake (1104-0260) for Iron and Manganese. Thirteenth Lake was included on the Draft NYS 2020/2022 List as impaired for Iron and Manganese based on the assessment of data collected by DOW's monitoring programs. Thirteenth Lake is a Class A(T) waterbody, and its best uses are source of water supply, primary and secondary contact recreation, and fishing. Health (Water Source) WQs for Iron and Manganese were exceeded multiple times over multiple years which resulted in including Thirteenth Lake (1104-0260) on the Final NYS 2020/2022 List for Iron and Manganese.

In accordance with the [CALM](#), the assessment of waters is conducted by evaluating water quality data to determine whether they meet the state's WQs. WQs are developed to protect best uses. When the WQs are not being met, best uses are not supported. When best uses are not supported, a waterbody is included on the 303(d) List and reported to EPA as Integrated Reporting (IR) Category 5, Impaired, Requiring a TMDL.

### *Oswego River Drainage Basin*

**Comment 40:** DEC received comments requesting that NYS include on the NYS 303(d) list and develop a TMDL for cyanotoxins and chlorophyll a, in support of the City of Auburn's request to Governor Hochul requesting the State of New York develop, adopt, and implement a TMDL comprehensive watershed clean-up plan for Owasco Lake and that the DEC's Draft 2022 303(d) Impaired Waterbody Registry be changed to classify Owasco Lake as an impaired waterbody. [42-75]

**Response 40:** The NYS 303(d) list is reserved for waterbodies that do not attain water quality standards, support their best use(s), and require a TMDL. NYS does not have water quality standards for cyanotoxins or chlorophyll a. In addition, establishing TMDL priorities is part of the Clean Water Vision process for waterbodies included on the NYS 303(d) list. Comments on TMDLs are outside of the scope of this public comment process. For more information on Clean Water Vision and NYS' strategy, please visit our website at: <https://dec.ny.gov/environmental-protection/water/water-quality/clean-water-plans>. Please see Response 8 for more information on harmful algal blooms.

**Comment 41:** A comment was received in support of the listing of Reeder Creek as impaired due to TP. [22]

**Response 41:** DEC acknowledges the commenters support for listing Reeder Creek (0705-0074).

**Comment 42:** DEC should call out in the waterbody assessment factsheet the classified “B” portion of Seneca Lake (0705-0021), located around the mouth of the Keuka Outlet at Dresden. Additionally, the commenter suggested that factsheets should address the stressors posed by the industrial discharges in the zone. [22]

**Response 42:** While DEC acknowledges that the previous WI/PWL factsheets included a “further details” section that discussed activities in the watershed, the most current information on watershed activities may be provided through DEC watershed programs and not individual waterbody assessment factsheets. DEC will update WI/PWL factsheets with changes and new listings to reflect the Final NYS 2020/2022 List. Factsheet updates are announced in [Making Waves](#) and posted on the [DECinfo Locator](#).

**Comment 43:** The class B portion of Seneca Lake located around the mouth of the Keuka Outlet at Dresden deserves higher classification to A or AA like the greater portion of the Lake and the higher level of protection that those classifications would afford. The commenter will seek to explore, with DEC, the petition process for reclassification, and DEC’s outlook on this important issue. [22]

**Response 43:** Comments pertaining to water classification are outside the scope of the 303(d) List. For more information about water classification and reclassification, please visit our website at: <https://www.dec.ny.gov/chemical/23853.html>.

**Comment 44:** How will DEC 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? [37] [39-40]

**Response 44:** Cayuga Lake, Southern End (0705-0040) is included on the 303(d) List as impaired due to TP. TP is inclusive of multiple forms of phosphorus, including particulate and dissolved phosphorus. Comments pertaining to Nine Element Plans and clean water planning are outside the scope of the 303(d) List. For more information about clean water plans, please visit our website at: <https://www.dec.ny.gov/chemical/23835.html>.

**Comment 45:** What criteria were used to support the original impairment designation for Cayuga Lake and Silt/Sediment? [37] [40]

**Response 45:** Cayuga Lake, Southern End (0705-0040) was originally included on the 303(d) List in 2002 as impaired due to Silt/Sediment. This waterbody was assessed in accordance with the methodologies in place at that time.

**Comment 46:** Regarding Lower Fall Creek and Six Mile Creek, verify calibration for the equipment or controls used on two sampling days (9/1/11 and 8/8/12) at 07-sxml-0.7 and 07-fall-1.2, provide the calibration records for those days, include the temperature

data for the streams on those days, and explain how the impact of temperature on the pH readings was addressed. [37] [40] [41]

**Response 46:** Calibration of the multi probe meter was completed in accordance with manufacturers guidance in the operation manual.

The temperature data for the samples referenced are in the table below:

Site ID	Date	Temperature (°C)	pH (pH units)
07-SXML-0.7	9/1/2011	22	8.74
07-SXML-0.7	8/8/2012	26	8.60
07-FALL-1.2	9/1/2011	21	8.68
07-FALL-1.2	8/8/2012	23	8.80

Proper calibration of the YSI 556 multi probe meter accounts for temperature when used in a stream – from page 129 of the YSI 556 manual:  
*“pH Gain – A number which basically represents the sensitivity of the pH sensor. To remove the effect of temperature on the slope of the relationship of probe output in mv versus pH, the value of pH/mv is multiplied by the temperature in degrees Kelvin (K).”*

Requests for calibration records are outside of the scope of the 303(d) List.

**Comment 47:** Why is Six Mile Creek classified as part of the Cayuga Inlet? [39]

**Response 47:** The lower portion of Six Mile Creek, the upper portion of Cayuga Inlet, and other minor tributaries make up a single PWL segment. Specific boundaries for individual waterbody segments are determined by several considerations, including waterbody type, classification, hydrologic drainage, waterbody length/size, homogeneity of land use, and watershed character. For more information on waterbody segmentation delineation, see the [CALM](#).

**Comment 48:** Regarding Lower Fall Creek and Six Mile Creek, [DOW Monitoring Data Portal](#) includes a column called “perception”, with observations recording elevated levels of periphyton. Please confirm that biological activity during sampling did not lead to a nonrepresentative pH reading. [37] [40] [41]

**Response 48:** Six Mile Creek is included as part of Cayuga Inlet, Upper, and minor tribs (0705-0059). Perception data were recorded at the time the biological sampling was conducted. pH data were recorded with a multi probe meter. Data were collected from a location within the WI/PWL segment that is considered representative of ambient conditions and avoids biases, e.g., away from silt/sediment, excess periphyton, and/or macrophyte growth.

Many factors may contribute to the observed pH values, including the presence of periphyton; however, the identification of a source of pollutant/pollution is not

conducted at the time of ambient water quality monitoring. Source identification may be determined during TMDL development or other watershed restoration planning activities.

To ensure representativeness within the WI/PWL segment, a minimum of 8 samples in flowing waters should be collected over at least 2 years. In accordance with the CALM, to reach an impaired/confirmed status, there must be at least 2 violations of the WQS be observed in 2 separate years. Violations of the pH WQS ( $6.5 \leq x \leq 8.5$  standard pH units) have been observed in multiple years and therefore indicate that the violation of the pH WQS is a reoccurring issue for these waterbodies. Samples were collected from the Six Mile Creek (0705-0059) in 2011 and 2012; pH levels were observed outside the WQS in September of 2011 and August of 2012. Samples were collected from the Lower Fall Creek (0705-0036) in 2011, 2012, 2016, and 2021; pH levels were observed outside the WQS in September of 2011, August of 2012, and July of 2016.

**Comment 49:** Regarding Lower Fall Creek, please address how waterfall turbulence is impacting the pH at sample location 07-fall-1.2. [37] [40] [41]

**Response 49:** The sampling location of 07-FALL-1.2 was selected and deemed to be representative of the WI/PWL waterbody segment's water quality.

**Comment 50:** Please review the Community Science Institute (CSI) data at Plain St for Six Mile Creek and provide feedback on the apparent difference in pH measurements between the CSI data (with 76 data points) and DEC's. [37] [40] [41]

**Response 50:** The CSI data referenced by the commenter was not submitted to DEC during the data solicitation period, and, therefore, cannot be considered during this listing cycle. External data should be submitted to DEC during the data solicitation process. Data solicitation for the 2024 listing cycle took place between May and September of 2023. The data solicitation was announced via the Environmental Notice Bulletin and [Making Waves](#) at that time.

**Comment 51:** Please explain listing pH as an impairment based on old data when newer data (from CSI; for Six Mile Creek) does not support an ongoing water quality violation or even an alarming trend. [36-38] [41]

**Response 51:** External data should be submitted to DEC during the data solicitation process. Water quality data is submitted during the data solicitation period that takes place every odd year from May through September to be considered for use in assessment and listing. The data solicitation is announced via the Environmental Notice Bulletin and [Making Waves](#) at that time.

**Comment 52:** Will DEC change the best use classification downstream of the Cornell drinking water intake on Fall Creek? [36-37]

**Response 52:** Comments pertaining to water classification are outside the scope of the 303(d) List. For more information about water classification and reclassification, please visit our website at: <https://dec.ny.gov/environmental-protection/water/water-quality/standards-classifications>.

**Comment 53:** Regarding Fall Creek, will DEC provide targeted outreach to the stakeholders in those watersheds to address how a future TMDL would address iron as a pollutant? [37] [40] [41]

**Response 53:** Establishing TMDL priorities is part of the Clean Water Planning and Clean Water Vision process. For more information on Clean Water Plans and Clean Water Vision, please visit our website at: <https://dec.ny.gov/environmental-protection/water/water-quality/clean-water-plans>.

**Comment 54:** Regarding the listing of Fall Creek for iron, the commenter requested that decisions regarding this proposed listing be deferred pending additional data collection. [37] [40] [41]

**Response 54:** The Final NYS 2020/2022 List includes Fall Creek as impaired for Iron. The data used to support this listing meets all data quality indicators in the CALM and, therefore, the listing is appropriate. Additional data may be submitted during future data solicitation periods and evaluated in the future assessment and listing cycles.

**Comment 55:** Did DEC notice any environmental conditions onsite that might explain localized high iron levels [in Fall Creek], like aging infrastructure? Has DEC investigated groundwater iron levels in the area and considered how groundwater iron levels would impact Fall Creek? [37] [40] [41]

**Response 55:** The identification of source requires further investigation and is typically researched during the development of a TMDL or other restoration plan.

**Comment 56:** DEC should include Salmon Creek, Great Gully Creek, and Yawger Brook (Tributaries of Cayuga Lake) on the list based on data from the Community Science Institute [38].

**Response 56:** No changes were made with regard to the listing of Salmon Creek, Great Gully Creek, and Yawger Brook. Data solicitation is used to supplement the State's existing monitoring efforts. External data should be submitted to DEC during the data solicitation process. DEC will evaluate external data that is submitted during the data solicitation period that takes place every May through September of the odd year. The data solicitation is announced via the Environmental Notice Bulletin and [Making Waves](#) at that time.



**Comment 57:** DEC received comments objecting to the listing of Cazenovia Lake (0703-0021) as impaired due to TP. Commenters seek clarification on why the lake is denoted as Assessment Category IR 5-Impaired each year between 2011 and 2020. The commenters request an explanation on how the assignment of Cazenovia Lake (0703-0021) as impaired in need of a TMDL is consistent with DEC's [CALM](#). [24-28]

**Response 57:** In accordance with the [CALM](#), the assessment of waters is conducted by evaluating water quality data to determine whether such data meets the state's WQSs. WQSs are developed to protect best uses. When the WQS are not being met, best uses are not supported. When best uses are not supported, a waterbody is reported to EPA as Integrated Reporting (IR) Category 5, Impaired, Requiring a TMDL.

Cazenovia Lake (0703-0021) is included on the Final NYS 2020/2022 List based on the evaluation of Citizen Statewide Lake Assessment Program (CSLAP) water quality data. CSLAP data for Cazenovia Lake (0703-0021) showed multiple years where the seasonal average for TP was above the NYS guidance value of 20 ug/L for TP (DEC, [TOGS 1.1.1 and 1.3.6](#), <https://dec.ny.gov/regulatory/guidance-and-policy-documents/water-guidance-documents>). In accordance with the CALM, , more than one year of WQS violation(s) is necessary, to capture seasonal variability, and to confirm the water is impaired, as was the case in this listing.

The assessment and listing of waters is a continuous planning process punctuated every two years by the development of the 303(d) List. DEC suggests that the Cazenovia Lake community continue to monitor for TP through CSLAP. For all assessments, DEC evaluates the most recent ten years of data. For the NYS 2024 List, DEC will evaluate water quality data from 2013-2023.

### ***Chemung River Drainage Basin***

**Comment 58:** DEC received comments expressing concern with the proposed listings of the following waterbody/pollutant combinations within the Chemung Watershed and requesting they be removed from the 303(d) list:

- Cohocton River Middle and minor tribs (0502-0003)/pH
- Cohocton River Lower and minor tribs (0502-0010)/pH
- Sanford, Van Keuren, and Round Lakes (0502-0027)/DO [23]

**Response 58:** No changes were made, and the Final NYS 2020/2022 List continues to list the waterbody/pollutant combinations for the Cohocton River Middle and minor tribs (0502-0003), Cohocton River Lower and minor tribs (0502-0010), and Sandford, Van Keuren, and Round Lakes (0502-0027). These waterbodies were proposed for listing on the Draft NYS 2020/2022 List based on water quality data collected by the DOW's monitoring programs in 2012 and 2017.

In accordance with the [CALM](#), all assembled and available water quality data are evaluated and used to update waterbody assessments. Additionally, the water quality data is available via the [DOW Monitoring Data Portal](#).

### *Allegheny River Basin*

**Comment 59:** Commenters requested an explanation about why Chautauqua Lake, South (0202-0020) is not being listed for Nitrite similar to Chautauqua Lake, North (0202-0072). [29-31]

**Response 59:** Neither Chautauqua Lake, North (0202-0272), nor South (0202-0020) are included on the Final NYS 2020/2022 List due to Nitrite. Regarding the draft listing of Chautauqua Lake, North (0202-0272) for Nitrite, DEC reevaluated the CSLAP water quality data and found an error in the data's units for Nitrite. DEC has corrected the error.

**Comment 60:** Commenters requested explanation about why the Vision Priority column of the Draft List indicates "No" for Chautauqua Lake, North (0202-0072). [29-31]

**Response 60:** See Response 59. Chautauqua Lake, North (0202-0072) is not included on the Final NYS 2020/2022 List due to Nitrite and will not be prioritized as part of the Clean Water Vision planning process at this time.



## Commenter Log

Commenter		Affiliation
1.	Tarki Heath	President, New York State Federation of Lake Associations
2.	Joanna Panasiewicz	None
3.	Emily Root	Buffalo Niagara Waterkeeper
4.	Alanna Mecca and Todd Ommen	Pace (on behalf of Riverkeeper)
5.	Karen Haswell	Save Hyde Lake Association
6.	Todd Ommen	Pace Environmental Litigation Clinic, Inc.
7.	Cynthia Brock	Tompkins County Water Resources Council
8.	Joseph Campbell	Seneca Lake Guardian, A Waterkeeper Affiliate
9.	Michael Collins	Town of Southold
10.	Orange County Legislature	Orange County Sewer District 1
11.	Hollis Bart/Board of Directors	Twin Island Lake Association
12.	Ryan Palmer	Sarah Lawrence College, Center for Urban River at Beczak
13.	Kathleen Nolan	Catskill Mountainkeeper
14.	Janet Anderson	Three Lakes Council
15.	Nicholas Hvozda	Chair, Ulster Co. Water Quality Coordinating Committee
16.	JJ Garver	Union College
17.	Tom Werner	None
18.	Laura DeGaetano	Albany County
19.	David F Fleming Jr	Town of Nassau Supervisor
20.	Steven F McLaughlin	Rensselaer County Executive
21.	Jim Lieberum	Warren County SWCD
22.	Rich Adams	Seneca Lake Pure Waters Association
23.	Velynda Parker	Steuben County SWCD
24.	William Zupan	Town of Cazenovia, Town Supervisor
25.	William Zupan	Town of Cazenovia
26.	Anne Saltman	UCAN Water Task Force
27.	Dave Miller	Cazenovia Lake Association
28.	Lauren Lines	Cazenovia Area Community Development Association
29.	Douglas Conroe	Chautauqua Lake Association
30.	Melanie Smith	Chautauqua-Conewango Consortium
31.	Randall Perry	None
32.	George Adams and Camile Doucet	None
33.	Hilary Lambert	Cayuga Lake Watershed Network

34.	Roxy Johnston	Cayuga Lake Watershed Intermunicipal Organization
35.	Roxy Johnston	Watershed Coordinator, Laboratory Director City of Ithaca Water Treatment Plant
36.	Elizabeth G. Thomas	Cayuga Lake Watershed Intermunicipal Organization
37.	Roxanna Johnston	Cayuga Lake Monitoring Partnership
38.	Eileen O'Connor PE	Cayuga County Health Department
39.	Scott D Gibson	City of Ithaca
40.	Darby Kiley	Tompkins County Department of planning and Sustainability
41.	Cynthia Brock	Thompsons County Water Resources Council
42.	Chuck Mason	None
43.	Patty Beer	None
44.	Susan Rusinko	None
45.	Don Devine	None
46.	Elaine Buchbeger	None
47.	Ann Padlick	None
48.	Malcom Miller	None
49.	Dominic Gambaiani	None
50.	Terry Cuddy	Save Owasco Now
51.	Kathleen Carnes	None
52.	Edward H Heveri	None
53.	Susan Field	None
54.	Frank (Joe) Lattimore	None
55.	Christina Calarco,	Cayuga Co. Legislator, District 13
56.	Phil Mott	None
57.	Donna Romano	None
58.	Brian	None
59.	James Giannettino	Auburn City Councilor
60.	Dana L Hall PhD	President Owasco Watershed Lake Association
61.	Adam J P Effler	Owasco Lake Watershed Management Council
62.	Terry Lattimore	None
63.	Ray and Jean Kida	None
64.	Zachary A Waby	None
65.	Cathie Cool Rumsey	None
66.	Cathie Cool Rumsey	None
67.	Kevin Sterzin	None
68.	David Jukella	None

69.	Michele Wunderlich	Associate Planner Cayuga County Department of Planning and Economic Development
70.	Eileen O'Connor, PE, Cayuga County Health Department	None
71.	Lucien Lombard	None
72.	Maggie Johengen	None
73.	Ellen Cotter	None
74.	John and Susan Klink	None
75.	Robert Cotter	None
76.	Randy Rath	Lake George Association
77.	Rebecca Campbell	Wyoming Soil and Water Conservation District
78.	Laurel Wolfe	Association of Property Owners of Sleepy Hollow Lake
79.	Scott Collins	Niagara County SWCD
80.	Gregory Garvey	GSI
81.	Arianna Alexandra Collins	Hoosic River Watershed Association
82.	Annette Hogan	None
83.	Julinnar Cooper	None
84.	Edward Peters	None
85.	Abby Sprengle	None
86.	Adam Zafran	None
87.	Afton Lewis	None
88.	Allison DeSario	None
89.	Allison Wilson PhD	None
90.	Andy Mager	None
91.	Ariane Fulk	None
92.	Asa Mendelsohn	None
93.	Ashley Fontanilla	South Bronx Unite
94.	Ashley O'Mara PhD	None
95.	Ben Altman	None
96.	Bess Zafran	None
97.	Beth McCune	None
98.	Bobbie Fitzgerald	None
99.	Brian Hawley	None
100.	Camille Marcotte	None
101.	Carolyn Adessa	None
102.	Cassandra Schmitt	None
103.	Claire Dennis	None
104.	Claire Fishman	None
105.	Clare Grady	None

106.	Colin Tucker	None
107.	Danielle Sharee Smith	None
108.	Dave Arquette	None
109.	Debra Pittman	None
110.	Diane Ogno	None
111.	Diane Schenandoah	None
112.	Dominique Elizabeth	None
113.	Donna Inqlima	None
114.	Donna Inqlima	None
115.	Elaine Sperbeck	None
116.	Elizabeth Lynch	None
117.	Elizabeth Marinelli	None
118.	Ellen McCoy	None
119.	Erica Itzkowitz	None
120.	Erick Boustead	None
121.	Ezekiel Torres	None
122.	gelenelewis	None
123.	Gil Lopez	None
124.	Hannah Lewis	None
125.	Hasson S Harris	None
126.	Hilary-Anne Coppola	None
127.	Jacob Eichten	None
128.	Jamie Eggleston	None
129.	Jane Slabowski	None
130.	Janis Hansen	None
131.	Jeannine Laverty	None
132.	Jeannine Laverty	None
133.	Jennifer Lebrecht	None
134.	Jennifer Rice	None
135.	Jess Cherofsky	None
136.	Jess Mullen	None
137.	Jessica Luck	None
138.	JK Canepa	None
139.	JoAnn Ottman	None
140.	Johanna Cummings	None
141.	Jonathan Nahar	None
142.	Joseph Heath	Onondaga Nation
143.	Judith Ackerman	None

144.	Julie Piato	None
145.	June Lawler	None
146.	Karen Edelstein	None
147.	Karen Greenfield	None
148.	Kathleen M Dunwoodie/Aman	None
149.	Kathleen M. Gill	None
150.	Kathy Tussing	None
151.	Kelsey Smith	None
152.	Ken Wolkin	None
153.	Klaus Paasche	None
154.	Kristin Mosher	None
155.	LeGrace Benson	None
156.	Lisa Hoff	None
157.	Madalyn Smith	None
158.	Margaret McCasland	None
159.	Marina Zafiris	None
160.	Melissa Lefkowitz	None
161.	Miriam Edwin	None
162.	Molly Stenard	None
163.	Monica Bosworth	None
164.	Nancy Babbitt	None
165.	Nancy Perini	None
166.	Nancy Shapiro	None
167.	Nathan Scott	None
168.	Patricia Carranti	None
169.	Patrick Naeve	None
170.	Paul Vinhage	None
171.	Peggy Kurtz	Rockland Water Coalition
172.	Phil Mccarten	None
173.	Rachel Fischhoff	None
174.	Rachel May, Senator, NY's 53rd Senate District	None
175.	Rebecca Schillenback	None
176.	Rev. Dr. Janet Adair Hansen	None
177.	Richad J. DeNeale	None
178.	Robertta Davis	None
179.	Rog N Drew	None
180.	Ryan Madden	Long Island Progressive Coalition
181.	Sara Biriandian	None

182.	Sara Gronim	None
183.	Sarah Bargnesi	None
184.	Sarah Howard	None
185.	Sarah LaVoy	None
186.	Sharon Schmit	None
187.	Sheils Hamanaka	None
188.	Sophie Bell	None
189.	Sophie Somerfeldt	None
190.	Stephanie Johnson	Onondaga Environmental Institute
191.	Sue Eiholzerr	None
192.	Taurea Lewis	None
193.	Teresa Keyes	None
194.	Thari Zweers	None
195.	Tommy Beers	None
196.	Tracy Basile	None
197.	Valerie A Hahn	None
198.	Wayne Alt	Sierra Club and Friends of Earth Member
199.	Zachary Krahrmer	None
200.	Alice Shields	None
201.	Marion Lakatos	None
202.	Shyana Orum	None
203.	Aaron Fumarola	None
204.	Adam Cooper	None
205.	Alan Stein	None
206.	Alba Vargas	None
207.	Alex Zackrone	None
208.	Alexandra Anderson	None
209.	Alice McMechen	None
210.	Alice Ross	None
211.	Alison Mayer	None
212.	Allison Franzese	None
213.	Anne Bucher	None
214.	Antonio Fernandez	None
215.	Arthur Schurr	None
216.	B. R. Lemonik	None
217.	Barbara Boughton	None
218.	Barbara Heinzen	None
219.	Barry Alterman	None

220.	Barvara Goldklang	None
221.	Beth Darlington	None
222.	Bettina Hansel	None
223.	Bill Fetter	None
224.	Billy Zias	None
225.	Blanche Jones	None
226.	Bob Johnson	None
227.	Bob Wahl	None
228.	Bobbie Flowers	None
229.	Bobby Blitzer	None
230.	Brad Walrod	None
231.	Bruce Krug	None
232.	Bruce Snow	None
233.	Bruna De Araujo	None
234.	Bryan Kay	None
235.	Carl Kohls	None
236.	Carl Tyndall	None
237.	Carol Hinkelman	None
238.	Carol Milano	None
239.	Carol Myers	None
240.	Carol Wall	None
241.	Carol Welsh	None
242.	Catherine Bagnall	None
243.	Catherine Skopic	None
244.	Cave Man	None
245.	Cecilia Acherman	None
246.	Charles Keller	None
247.	Charles Raeon	None
248.	Charlotte Gross	None
249.	Chris Hazynski	None
250.	Chris Keahom	None
251.	Chris Mcginn	None
252.	Chris Schneebeli	None
253.	Chris Washington	None
254.	Christine King	None
255.	Christine O'Connor	None
256.	Christopher Blyth	None
257.	Christopher Lord	None

258.	Christopher Rosen	None
259.	Chuck Roberts	None
260.	Clarice Glandon	None
261.	Claudia Devinney	None
262.	Claudia Smith	None
263.	Clifford Provost	None
264.	Conor Berry	None
265.	Cynthia Nelson	None
266.	Daria Gress	None
267.	David Dixler	None
268.	David McGhee	None
269.	David Rosenfeld	None
270.	David Weiner	None
271.	Dean Gallea	None
272.	Debora Fitzgerald	None
273.	Deborah Acherman	None
274.	Deborah Dewey	None
275.	Deborah Stein	None
276.	Denise Hoffer	None
277.	Diana Praus	None
278.	Diane Kraft	None
279.	Diane Parmigiani	None
280.	Diane Testa	None
281.	Donald Gardner	None
282.	Donald Shaw	None
283.	Donna Knipp	None
284.	Doreen Tignanelli	None
285.	Dorothy Bacon-Neighbors	None
286.	Doug Couchon	None
287.	Douglas Cooke	None
288.	Eddie Ward	None
289.	Edmund Puches	None
290.	Edward Butler	None
291.	Edward Rengers	None
292.	Eileen Moran	None
293.	Elaine Sperbeck	None
294.	Eleanor Joyce	None
295.	Eleanor Worth	None



296.	Elihu Kover	None
297.	Elizabeth Allee	None
298.	Elizabeth Cunningham	None
299.	Elizabeth Shepherd	None
300.	Ellen Wolfe	None
301.	Erica Minglis	None
302.	Esmee Einerrson	None
303.	Evelyn Mikicic	None
304.	Evy Mayer	None
305.	Florence Kaczorowski	None
306.	Frances Keegan	None
307.	G. Paxton	None
308.	George Jackman	None
309.	George Volpe	None
310.	Glen Lawrence	None
311.	Greatchen Dumler	None
312.	Gunnell Rydstrom	None
313.	Guy Winig	None
314.	Gwendolyn Chambers	None
315.	Hamilton Regen	None
316.	Harvey Spears	None
317.	Heather Farr	None
318.	Heather Perlmutter	None
319.	Helen Silberblatt	None
320.	Hilarie Louis	None
321.	Howard Lepzelter	None
322.	Irene Van Slyke	None
323.	J Patricia Connolly	None
324.	J Vromen	None
325.	Jacalyn Dinhofer	None
326.	Jacob Weber	None
327.	Jacqueline Bautista	None
328.	Jacqueline Birnbaum	None
329.	James Botta	None
330.	James Cooper	None
331.	James Doherty	None
332.	James Hoon	None
333.	James Hunter	None

334.	James Kozlik	None
335.	James Mulder	None
336.	James Salkind	None
337.	James Schmitt	None
338.	James Williams	None
339.	Jane Klein	None
340.	Janet Bellusci	None
341.	Janet Duran	None
342.	Janet Forman	None
343.	Janet Mardfin	None
344.	Janey Moser	None
345.	Janice Rost	None
346.	Jared Brenner	None
347.	Javier Rivera	None
348.	Jean Gazis	None
349.	Jean Hricik	None
350.	Jeanette Capotorto	None
351.	Jef Freilich	None
352.	Jeffrey Silman	None
353.	Jennifer Barton	None
354.	Jennifer Greenidge	None
355.	Jennifer Horowitz	None
356.	Jennifer McMorrow	None
357.	Jennifer Thurston	None
358.	Jennifer Valentine	None
359.	Joan Schildwachter	None
360.	Joanne Harrington	None
361.	Joesph M Varon	None
362.	Joesph Squillante	None
363.	John Fanniff	None
364.	John Greenfield	None
365.	John Miller	None
366.	John Witter	None
367.	Jonathan Leitner	None
368.	Jonathan Nedbor	None
369.	Jordan Glass	None
370.	Joseph Brophy	None
371.	Joseph Lawson	None

372.	Juanita Dawson-Rhodes	None
373.	Judy Simek	None
374.	Julie Brinkmann	None
375.	Julie Takatsch	None
376.	Karen Greenspan	None
377.	Karen Matsu Greenberg	None
378.	Karen Rubino	None
379.	Karen Shatz	None
380.	Karen Sorensen	None
381.	Karin Smith- Spanier	None
382.	Karine Gordineer	None
383.	Katharine Tussing	None
384.	Katherine Harris	None
385.	Kathleen Corby	None
386.	Kathleen McCarthy	None
387.	Kathleen Mock	None
388.	Kathryn Kassner	None
389.	Katrina Stair	None
390.	Kenneth Krynicki	None
391.	Kirk Krebs	None
392.	Kristin Misil	None
393.	Kristina Younger	None
394.	Kurt Himpel	None
395.	Larry Freedman	None
396.	Laura Cannamela	None
397.	Laura Finestone	None
398.	Laura Miner	None
399.	Laura Silverman	None
400.	Laurence Kirby	None
401.	Laurie Cozza	None
402.	Laurie Engle	None
403.	Lee Gough	None
404.	Leslye Smith	None
405.	Lili Jackson	None
406.	Lilli Ross	None
407.	Linda Cali	None
408.	Linda Seaver	None
409.	Lindsay Hoyt	None

410.	Lisa Morales	None
411.	Lisa Pisano	None
412.	Lisa Starger	None
413.	Liz Elkin	None
414.	Liz Keefe	None
415.	Lois S	None
416.	Luara Treciokas	None
417.	Luca Puca	None
418.	Lucille Nurkse	None
419.	Lydia Pyun	None
420.	M Doretta Cornell	None
421.	Madalyn Benoit	None
422.	Marc Ward	None
423.	Marcia Migdal	None
424.	Marcy Gordon	None
425.	Margaret Comaskey	None
426.	Margaret Scripp	None
427.	Margaret Seely	None
428.	Margaret Vernon	None
429.	Margery Groton	None
430.	Maria Asteinza	None
431.	Maria Grace	None
432.	Mariana Morse	None
433.	Marie Napolitano	None
434.	Marie Young	None
435.	Marilyn Kaggen	None
436.	Marina Barry	None
437.	Marina Morrone	None
438.	Marion Corbin	None
439.	Mark Sonderskov	None
440.	Mark Weinstein	None
441.	Martha Lutz	None
442.	Martin Amsel	None
443.	Martin Hampel	None
444.	Martin Lupowitz	None
445.	Martin Mutafchiev	None
446.	Mary Casella	None
447.	Maryke Petruzzi	None

448.	Matt Stedman	None
449.	Matthew Lipschik	None
450.	Megan Ryan	None
451.	Mei Hunkins	None
452.	Melanie Miller	None
453.	Melanie Thride	None
454.	Melissa Rinzler	None
455.	Meredith Kent-Berman	None
456.	Michael Andrea	None
457.	Michael Gresko	None
458.	Michael Heimbinder	None
459.	Michael Howard	None
460.	Michael O'Hara	None
461.	Michael Owen	None
462.	Michael Seckendorf	None
463.	Michael Stocker	None
464.	Michael Wehner	None
465.	Michele Temple	None
466.	Michelle Arcigal	None
467.	Michelle Brotherton	None
468.	Mike Keenan	None
469.	Mitchell Miller	None
470.	Monica Gutierrez	None
471.	Monique Dauphin	None
472.	Moraima Suarez	None
473.	Myrna Sak	None
474.	Nadine Godwin	None
475.	Nancy Bruno	None
476.	Nancy Vann	None
477.	Naomi Zurcher	None
478.	Nathanel Williams Jr.	None
479.	Neal Halloran	None
480.	Nichloas Prychodko	None
481.	Nick Leavens	None
482.	Nick Patterson	None
483.	Nick Vivian	None
484.	Nils Osterberg	None
485.	Nora Gaines	None

486.	Normas Zuckerman	None
487.	Pamela Brocious	None
488.	Pamela Lass	None
489.	Pamylle Greinke	None
490.	Patricia Barth	None
491.	Patricia Gafney	None
492.	Patricia Packer	None
493.	Patrick Brennan	None
494.	Patrick Di Luccio	None
495.	Patrick O' Reilly	None
496.	Patty Jordan	None
497.	Paul Andreassen	None
498.	Paul Gallay	None
499.	Paul Kalka	None
500.	Paul McCarthy	None
501.	Paul Meyers	None
502.	Paul Russell	None
503.	Paula Neville	None
504.	Penny White	None
505.	Peter Brandt	None
506.	Peter E Suter	None
507.	Peter Klosterman	None
508.	Peter Wood	None
509.	Rachel Youens	None
510.	Rebecca Blackmore	None
511.	Rebecca Swadek	None
512.	Reena Agarwal	None
513.	Regis Obijiski	None
514.	Renee Arnett	None
515.	Rhoda Levine	None
516.	Richard Livingston	None
517.	Richard Mattocks	None
518.	Richard McCauley	None
519.	Richard McGee	None
520.	Richard Stern	None
521.	Rick Wood	None
522.	Rob You	None
523.	Robert Dougal	None

524.	Robert Fuhrer	None
525.	Robert Fursich	None
526.	Robert Jones	None
527.	Robert Zeller	None
528.	Roberta Forest	None
529.	Rodney Kooney	None
530.	Roger Muzii	None
531.	Roland McDonald	None
532.	Rosa Collell-Olucha	None
533.	Russell Chiappa	None
534.	S Nam	None
535.	S Smith	None
536.	Sandra Dal Cais	None
537.	Sarah Hamilton	None
538.	Sarah Street	None
539.	Sasha Silverstein	None
540.	Scott Davis	None
541.	Sheila Dempsey	None
542.	Sheila Meehan	None
543.	Sofia Barbaresco	None
544.	Soretta Rodack	None
545.	Spenser Popeson	None
546.	Stana Weisburd, RN	None
547.	Stephanie Christoff	None
548.	Stephanie Rugoff	None
549.	Stephen Eder	None
550.	Stephen Mac Nish	None
551.	Stephen Ring	None
552.	Steven Goldman	None
553.	Susan Bartscherr	None
554.	Susan Cooper	None
555.	Susan Ford	None
556.	Susan Freel	None
557.	Susan Kassouf	None
558.	Susan Koff	None
559.	Susan Schwartz	None
560.	Susan Torres	None
561.	Susan Towlson	None

562.	Susan Willnus	None
563.	Susann Stone	None
564.	Suzie Ross	None
565.	Sylvia Rodriguez	None
566.	Ted Neumann	None
567.	Theresa Kardos	None
568.	Theresa Murphy	None
569.	Thomas Rowan	None
570.	Thomas Scialo	None
571.	Tim Godan	None
572.	Timon Malloy	None
573.	Tony Ettinger	None
574.	Victor Truisi	None
575.	Victoria Furio	None
576.	Vincent Rusch	None
577.	Warren Bloomfield	None
578.	Wendy Andringa	None
579.	Wendy Fast	None
580.	Wendy Lambert	None
581.	Wendy Scherer	None
582.	William Gerstein	None
583.	William Staples	None
584.	Willima Strugatz	None
585.	Zoe Dictrow	None