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DOT says herbicide use is 'acceptable'

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---- — Cooperstown and Otsego Lake Watershed officials want to prohibit the state Department of Transportation's use of chemical weed killers to control vegetation on its Route 80 right-of-way along the western shore of Otsego Lake, but the agency continues to say the use of chemical herbicides near the village's drinking water source is an "acceptable risk."

Mayor Jeff Katz wrote to the DOT's Regional Office in Binghamton in early June to ask the agency to halt the use of herbicides along Route 80 where it travels up the lakeside.

The DOT's Mike Adams responded, saying only one herbicide is used, Accord XRT II, which contains glyphosate, the same active ingredient as Roundup.

Katz wrote again to the agency on June 27 telling DOT Regional Director Jack Williams that the village and the watershed advisory committee still had "serious concerns."

Katz explained that under Public Health Law Section 1100, the village was authorized to create watershed rules and regulations, which state "no herbicides, pesticides, or toxic chemicals shall be discharged, applied, or allowed to enter any reservoir or watercourse."

"This is clear authority to prohibit the use of herbicides close to the lake, as along the DOT right-of-way on State Highway 80," Katz's letter stated.

The herbicide ban would stretch from the village at the south end of the lake to county Route 53 at the north end.

Williams replied to Katz in a July 15 letter.

"We recognize the concerns expressed by the Otsego Lake Watershed Supervisory Committee in your letter. The department maintains that the use of herbicides, in general, and Accord XRT II in particular along this corridor, is an acceptable risk based on the application method and best practices," he wrote.

According to Williams, mechanical vegetation control along guiderails and around signposts, is not cost efficient and poses safety concerns for the traveling public and DOT employees who work on the roadways.

There is a significant amount of Japanese Knotweed and Wild Parsnip present where the DOT sprays along Route 80. Wild Parsnip is both invasive and noxious and presents a safety hazard to the public as well as department employees. Where conditions and best practices allow, herbicides are an acceptable and effective control method for these plants, the letter stated.

“I have seen the letter from Jack Williams, and, yes, Mr. Williams is ignoring the Watershed Rules and Regulations, which are part of Public Health Law,” Otsego Lake Watershed Coordinator Win McIntyre wrote in an email.

Katz, McIntyre and Watershed Supervisory Committee Chairman Jim LaCava plan to meet this week with Village Attorney Martin Tillapaugh to discuss the village’s options.

According to McIntyre, the village will also notify the Oneonta office of the New York State Department of Health about the communications between the village and the DOT.

Katz said Monday that William’s letter was “not the answer we were looking for” and it was the consensus of the committee that corresponding with the DOT had run its course.

“I’m not sure what the next step will be. I doubt if we’ll sue the state if that’s the next step,” Katz said Monday.

“The Watershed Supervisory Committee is duly authorized to protect the whole area. This isn’t just us saying, ‘hey you guys, we’d prefer you not do this,’” Katz said.

Tillapaugh said Monday that he would be astonished if the village could tell the state of New York where and when it could or couldn’t spray.

The village, he said, would have to be able to show there had been some type of definitive damage caused by the spraying.