

CHITTENDEN COUNTY REGIONAL PLANNING COMMISSION
 CLEAN WATER ADVISORY COMMITTEE – **DRAFT** MINUTES

DATE: **Tuesday, May 7, 2019**
 SCHEDULED TIME: 11 a.m. to 12:15 p.m.
 PLACE: CCRPC Offices, 110 West Canal Street, Suite 202, Winooski, VT
 DOCUMENTS: Minutes, documents, and presentations discussed accessible at:
<http://www.ccrpcvt.org/meetings/clean-water-advisory-committee/>

Committee Members in Attendance		
Bolton:	Hinesburg: Merrily Lovell	St. George:
Buels Gore:	Huntington: Darlene Palola	Underhill:
Burlington: Jenna Olson	Jericho:	Westford:
Charlotte:	Milton:	Williston: James Sherrard (arr. 11:50 a.m.)
Colchester: Karen Adams	Richmond:	Winooski: Ryan Lambert
Essex: Annie Costandi	Shelburne: Chris Robinson	VAOT:
Essex Junction: Chelsea Mandigo	South Burlington: Tom DiPietro	VANR:
Burlington Airport: Polly Harris (Stantec), arr. 11:10 a.m.	University of VT: Claire Forbes	CCRPC Board:
Friends of the Winooski River:	Lewis Creek Assoc:	Winooski NRCD:
Other Attendees:		
CCRPC Staff: Dan Albrecht, Charlie Baker, Eleni Churchill, Marshall Distel, Regina Mahony		

1. Call to Order. The meeting was called to order by Annie Costandi at 11:00 a.m. Introductions were made.

2. Changes to the Agenda and public comments on items not on the agenda None.

3. Review and action on draft minutes of April 2, 2019.

After a brief recap by Dan Albrecht, *Karen Adams made a motion, seconded by Chelsea Mandigo to approve the minutes as drafted. MOTION PASSED with abstentions by Costandi, Forbes and Palola.*

4. CCRPC UPWP Process and proposed FY20 WQ projects: Marshall Distel

Marshall Distel explained the annual UPWP process. We received \$1.7 million in requests and were able to accommodate \$1.4 million. The water quality projects are increasing over the last few years. Marshall indicated that we'd like two representatives from the CWAC on next year's UPWP Committee because we've been getting more and more water quality requests. This commitment includes reviewing the requests that come in and participate in the three UPWP Committee meetings in January, February and March. We may also be asking the CWAC for a formal recommendation on the water quality program. Annie volunteered, but the CWAC will wait until the next meeting to formalize the appointment in case anyone else is interested.

5. Legislative Water Quality Update

Charlie Baker provided an update on S. 96. Charlie went over a Side by Side comparison done by Legislative staff to explain the difference between the Senate bill and the House bill. This has not yet passed the House. Ways and Means did vote on Friday to use \$8 million from the Ed fund, and then back-fill the Ed fund with a cloud software tax. A few changes that Charlie mentioned include: They've made it more open to which organization will make up the Clean Water Service Provider where it was more clearly described as the RPCs before. They've added that the Secretary will adopt guidance on implementation which is in response to comments that ANR should still be involved. Trying to give more weight to the Water Quality Council over the provider. The enforcement provision has been removed. It is possible that in the future there may be an evolution of the CWAC into the Basin Water Quality Council; not really sure how this will work out. The new bill lists two persons from each municipality on the Council, but this is likely a mistake. Charlie thinks that they may have intended "two persons from municipalities within the basin" which is not as inclusive as our CWAC. Section 926 is intended to help address the assumed

1 phosphorus reduction gap that the regulated programs won't be able to address. Section 927 is intended to
2 replace the current ERP grant program and intended to help address the regulatory programs. Section 928 is
3 intended to cover the municipal required programs: MRGP, MS4s, municipally owned 3+ acre impervious
4 permits. Under Section 930 there is a section to address the water quality basin funding that the RPCs have
5 received for the last few years and explains the relationship with the watershed associations. Section 3
6 addresses a concern that land conservation funding is still an important component of the program to help
7 address water quality concerns. Starting on page 23 there is a clear intent to shift the priority of water
8 quality funding: the municipal stormwater implementation grant is a *second* priority. An entire section has
9 been added to describe that most of these grant programs aren't set up yet; it will take about 2 to 3 years to
10 get it all going.

11 Questions/Comments:

- 12 1. There was a comment that businesses that rely on cloud-based data and services are not happy about the
13 proposed revenue component of the bill; and Governor Scott has already indicated that he may have an
14 issue with the bill.
- 15 2. Why is there a three-year push back on page 4? Want to focus on basins with specific TMDLs and are
16 trying to be realistic about how long this is going to take.
- 17 3. Able to use any "extra" money on other projects required by Federal or State law but only if Secretary
18 declares a provider has met pollution reduction goals.
- 19 4. If the Clean Water Service provider is not meeting its goals, then this will hold back grant funds from
20 all members in the basin. It is quite punitive and un-necessary. There is a section that indicates if there
21 are insufficient funds available that should not be a reason to hold back funding from all other partners.
22 Further, in the instance of insufficient funds, the Secretary of Natural Resources "shall consider
23 additional regulatory controls to address water quality improvements that could not be funded." Which
24 could be holding municipalities to adherence, even if the State hasn't been successful or can't provide
25 funds.
- 26 5. What about Grants in Aid and other VTrans money? It was inferred that those programs will not go
27 away. However, the Clean Water Block Grants might.
- 28 6. Which group will be overseeing the evolution of the current ERP program? Will the program get harder
29 to access? The idea is to make it easier to get the funds out through a regional Clean Water Service
30 Providers rather than DEC because it has been difficult for them to get the funding out.
- 31 7. There are a lot of assumptions worked in. It seems like the structure assumes that all municipalities
32 have the same water quality priorities, but that isn't necessarily true (particularly for communities like
33 Burlington with a combined sewer overflows). The intent makes sense, but it seems like a lot has been
34 lost in translation because some of these details are not workable. Charlie's understanding is that this is
35 just re-jiggering a small portion of the overall funding pie (just the Clean Water Funds raised funds
36 which is approximately \$7 million, not the full \$50 million). So, the vast majority of the programs will
37 stay as is. Charlie Baker will send the table that helps describe this.
- 38 8. Is there any thought process about streamlining? Currently for ERP a project will typically take 2
39 summers, and with Vtrans a project will typically take 3 summers. It would be great if these funds
40 could be used quickly without a lot of un-necessary process.
- 41 9. On page 27 the section that stated the Secretary will take action was removed. Who is going to
42 ultimately be the responsible party to ensure these non-regulatory projects are properly implemented in
43 the long-term. The bill has been clarified that the Secretary will not take enforcement action on the
44 Clean Water Service Provider. It has also been clarified that the Clean Water Service Provider is not
45 responsible for enforcement of these projects. Should it be clarified that ANR will be responsible for
46 this enforcement?
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48 6. Updates.

49 Jenna Olson going to moving up to be Program and Policy Coordinator. Therefore, Burlington is going to
50 be hiring a Stormwater Coordinator. Jenna will also be going out on maternity leave for the summer.
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