

CHITTENDEN COUNTY REGIONAL PLANNING COMMISSION
 CLEAN WATER ADVISORY COMMITTEE – FINAL MINUTES

DATE: **Tuesday, February 5, 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: Joss Besse (arr. 11:15 a.m.) | Hinesburg: Merrily Lovell | St. George: |
| Buels Gore: | Huntington: Darlene Palola | Underhill: Brian Bigelow |
| Burlington: Jenna Olson, via phone | Jericho: | Westford: |
| Charlotte: | Milton: Dave Allerton | Williston: James Sherrard |
| Colchester: Karen Adams, Andrew Douglas | Richmond: Josh Arneson | Winooski: Jon Rauscher, Tim Grover |
| Essex: Annie Costandi | Shelburne: Chris Robinson | VAOT: Jennifer Callahan |
| Essex Junction: Chelsea Mandigo | South Burlington: Tom DiPietro | VANR: Christy Witters |
| Burlington Airport: Larry Lackey, Polly Harris (Stantec) | University of VT: Claire Forbes | CCRPC Board: Don Meals |
| Friends of the Winooski River: Michele Braun | Lewis Creek Assoc: | Winooski NRCD: Kristen Balschunat |
| Other Attendees: Watershed Consulting: Dana Allen; Hoyle, Tanner: Kirstin DiPietro Worden; Krebs & Lansing: Derick Read; Blue Stormwater: Juliana Dixon | | |
| CCRPC Staff: Dan Albrecht, Chris Dubin, Charlie Baker (until 11:23am), Regina Mahony | | |

1. **Call to Order.** The meeting was called to order by Annie Costandi at 11:00 a.m.
2. **Review and action on draft minutes of January 8, 2019.** After a brief recap by Dan Albrecht, *Don Meals made a motion, seconded by James Sherrard to approve the minutes as corrected: Chelsea was not in attendance. MOTION PASSED with abstentions by Polly Harris and Chelsea Mandigo.*

3. **Water Quality Legislative Update.**

Charlie Baker reviewed the Clean Water redesign graphic from the Administration (1/9/2019). It is becoming clear that we are not going to achieve our goals in regulatory programs alone; clean water projects need to be implemented in non-regulatory programs and they are therefore shifting toward putting some money toward these programs.

There are two bills: The first is looking at the revenue side, but unclear where that is going at this point. Matt Chapman is presenting a concept of a second bill that would mimic this distribution of getting money out for non-regulatory programs. They are moving away from a utility concept, but they are looking at how to get the money distributed by watershed – conservation groups, watershed groups, Regional Planning Commissions. Who is going to administer these non-regulatory projects? Depends on who owns it (private landowner? Conservation districts? RPCs?). They are concerned about how these projects are going to be maintained over time. There was a discussion about not turning this into a regulatory system. Not clear about how this relates to the agriculture world. The legislators are understanding that what has been funded are the projects that are ready, and it does make sense to get to a more thoughtful approach. It sounds like the concept is that the Clean Water Board would be asked to budget for non-regulatory first and then prioritizing grants.

There was a discussion about credit trading. Charlie’s understanding is that this system sets up the ability to do this later, but they aren’t thinking they can get it all set up right now. In a meeting with Secretary Moore last week it sounded like trading within the same sector within the same lake segment will likely be allowed; but not between different sectors, nor between different lake segments. There was a discussion about this in the agricultural concept

1 There was a suggestion to remember that municipalities will need funds for operations and maintenance
2 costs, in addition to funds for project planning and construction. There is still a major funding gap.
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5 **4. Draft 3+ Acre Rule.**

6 Padraic Monks, DEC reviewed the rule and response summary are on the DEC website at
7 <https://dec.vermont.gov/watershed/stormwater/stormwater-rule-update> Note that the rule is not “final” despite
8 the wording of the filename. LCAR postponed reviewing the rule until their 2/14 meeting.
9

10 The permit will cover 3-acre sites: any parcel or project that has 3 acres or more impervious surface that was
11 either never permitted or permitted before at a larger acreage threshold. Landowners will need to retrofit these
12 sites and bring these parcels up to standards.
13

14 The actual general permit will have more details worked out, for example:

- 15 • Need coverage by October, 2023 – will likely need to apply 9 months in advance at a minimum. The
16 state would like to avoid having everyone apply at the exact same time. Trying to focus on schools for
17 early adoption.
- 18 • Associated impact fee system – the general permit will include more detail on how this is administered
19 and when these fees are due. The fee is not set to reflect a true cost of bringing an acre into
20 compliance. It is set to dis-allow folks to do nothing onsite. It is an incentive to go above and beyond.
21

22 DEC is hoping to have the draft general permit out in the next few weeks.
23

24 They don't have a data set of these parcels publicly available yet. They will do advance outreach to
25 landowners that allow for a mechanism to contend. There was a discussion regarding trying to coordinate
26 between the minimum requirements of the 3-acre requirements versus other permits like the flow restoration
27 projects and requirements. DEC will share the list of properties once they have it ready with the municipalities
28 before sending the letters out to landowners to enable coordination.
29

30 There was a discussion regarding work that is already underway on school projects. DEC does not yet have a
31 final rule and general permit in place to know exactly what the standards will be. While unlikely that these
32 won't meet the standard, there is some risk since the standards are not finalized.
33

34 Operational permit dropped from 1 acre to ½ acre in 2018 Legislative session – comes into effect in 2022.
35

36 DEC is using an impervious surface data set from 2011. There was a question about someone reducing
37 impervious cover to come under the permit, and at what point that would be done officially.
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39

40 **5. MRGP.**

- 41 a. CCRPC compliance tracking & 2019 assistance: Chris Dubin provided an overview of the outlet
42 mapping and road segment matching work he has been doing to help clarify requirements under
43 the MRGP permit. Chris Dubin reminded the municipalities about the Grants in Aid projects, and
44 asked municipalities to let him know if CCRPC's information does not look correct.
- 45 b. Annual Report materials (Discussion). Chris Dubin showed the CWAC the simple Annual Report
46 form that will be due by April 1st. CCRPC will send out a memo showing the month and year the
47 inventory was completed in each municipality. MS4 municipalities do not need to submit this
48 form. (Information related to the municipalities progress on road standards will be contained
49 within their MS4 annual reports). CCRPC will plan to re-inventory in 2020 and 2021. Chris
50 showed the CWAC the hub site [available at:
51 [http://ccrpc.maps.arcgis.com/apps/opsdashboard/index.html#/8bda43d6acd04351985f83184d328](http://ccrpc.maps.arcgis.com/apps/opsdashboard/index.html#/8bda43d6acd04351985f83184d328333)
52 [333](http://ccrpc.maps.arcgis.com/apps/opsdashboard/index.html#/8bda43d6acd04351985f83184d328333) which includes up to date MRGP segment data. Please explore this tool and let CCRPC

1 know if there is anything that isn't correct. CCRPC will be doing general clean-up work on the
2 data this summer.

- 3
4 **6. Updates.**
- 5 **a.** Watershed Consulting Associates Public-Private Partnership (P3P) Water Quality Project
6 Development – Dana Allen indicated that they will be developing some public/private case study
7 projects to see how these projects will actually play out within the realm of the new 3-Acre permit.
8 Working through a lot of questions currently. CCRPC and Winooski NRCD (along with other
9 RPCs and NRCDs) is a partner in this project. Eventually there will be a list of potential projects
10 in Chittenden County on which WCA will seek feedback prior to moving forward with conceptual
11 design.
12
- 13 **7. Items for March 6th meeting agenda.** Topics will be discussed off-line. Note that this meeting will be on
14 a Wednesday.
- 15
16 **8. Adjournment.** The meeting adjourned at 12:15 p.m.

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18 *Respectfully submitted, Regina Mahony & Dan Albrecht*
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