

Clean Water Service Delivery Act (Act 76/S. 96)

August 15, 2019

Vermont Department of
Environmental Conservation

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Outline

Act 76 Overview

Act 76 Accountability

Transition to Act 76 Funding Programs

ANR-DEC Organizational Changes

Vermonters care about clean water



Vermont's Clean Water Priorities and Clean Water Restoration Plans (i.e., Total Maximum Daily Loads, or TMDLs)

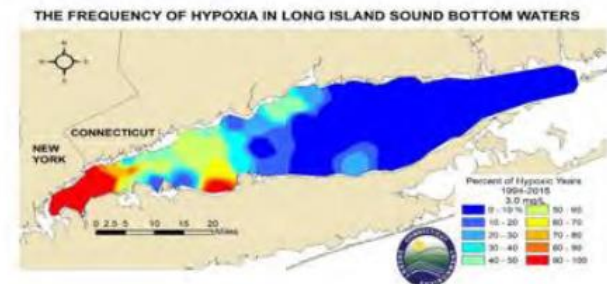
Phosphorus TMDLs for Vermont Segments of Lake Champlain



Lake Memphremagog Phosphorus TMDL



Nitrogen TMDL for Dissolved Oxygen in Long Island Sound



Vermont Clean Water Act (Act 64 of 2015)

“All-in for Clean Water”

Reasonable assurance to meet nonpoint source targets



Water quality regulations

Clean Water Fund

Tracking, accounting, and reporting requirements



Clean Water Service Delivery Act (Act 76 of 2019/S. 96)

Long term clean water
funding source, updated
priorities

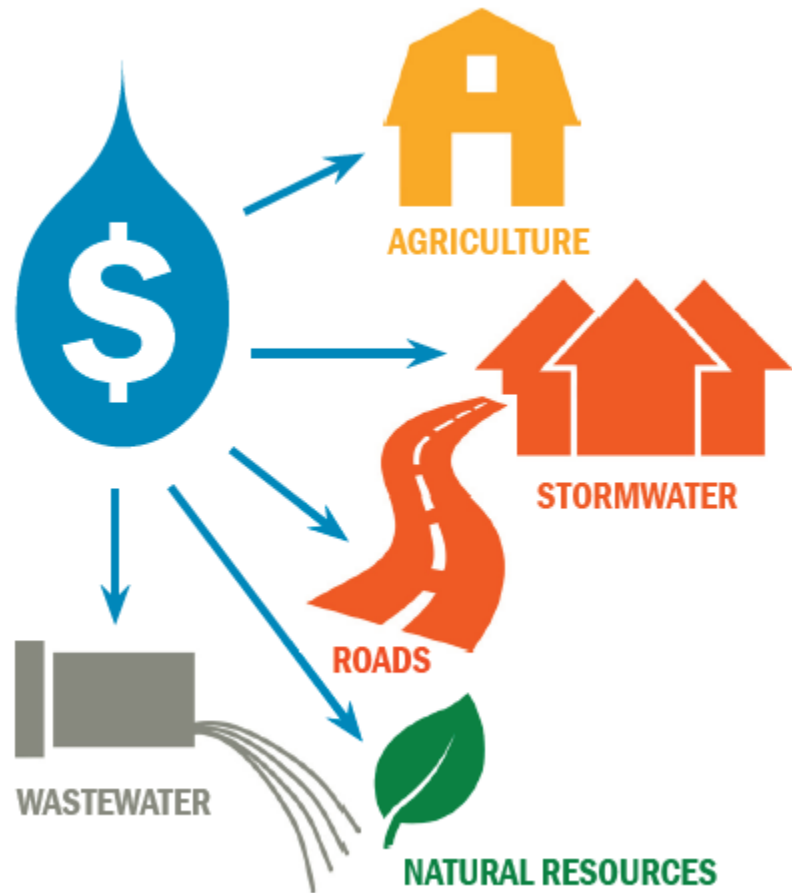
Four new grant programs

Clean water service
providers (CWSP)

Assurances to meet non-
regulatory targets

Assurances of project
operation and maintenance

Interim targets, enhanced
accounting



Long Term Clean Water Funding Source

Clean Water Fund: 6% Rooms and Meals Tax
Property Transfer Tax Clean Water Surcharge
Escheats from unreturned bottle deposits

State Fiscal Year 2021 budget targets:



Clean Water Funding Updated Priorities

New Grant Programs*

Tier 1: Inspection, verification, operation, and maintenance

Water Quality Restoration Formula Grants*

Agency of Agriculture water quality programs

Water Quality Enhancement Grants*

Basin planning and basin water quality councils

Tier 2: Repair riparian conditions for flood resiliency

Education and outreach on forest AMPs

Municipal Stormwater Implementation Grants*

Innovative/alternative technologies or practices

Purchase agricultural land

Tier 3: **Developed Lands Implementation Grants***

Water Quality Enhancement Grants

Recipient(s)	Includes watershed organizations, regional planning commissions, conservation districts, municipalities
Geographic Focus	Connecticut River Basin, Hudson River Basin
Project Types	Natural resources restoration: rivers, wetlands, forests, lake shore
Funding Level	Determined by Clean Water Board; at least 20% of annual Clean Water Fund not to exceed \$5 million; administrative costs capped at 15% of total award
Fund Dispersal	Competitive process
Effective Date	November 1, 2021

Municipal Stormwater Implementation Grants

Recipient(s)	Municipalities
Geographic Focus	Statewide
Project Types	Municipal stormwater projects required by stormwater regulation (e.g., Municipal Roads General Permit, 3-acre permit, MS4 permit)
Funding Level	Determined by Clean Water Board; administrative costs capped at 15% of total award; contingent on CWSP satisfactory progress
Fund Dispersal	Competitive process
Effective Date	November 1, 2021

Developed Lands Implementation Grants

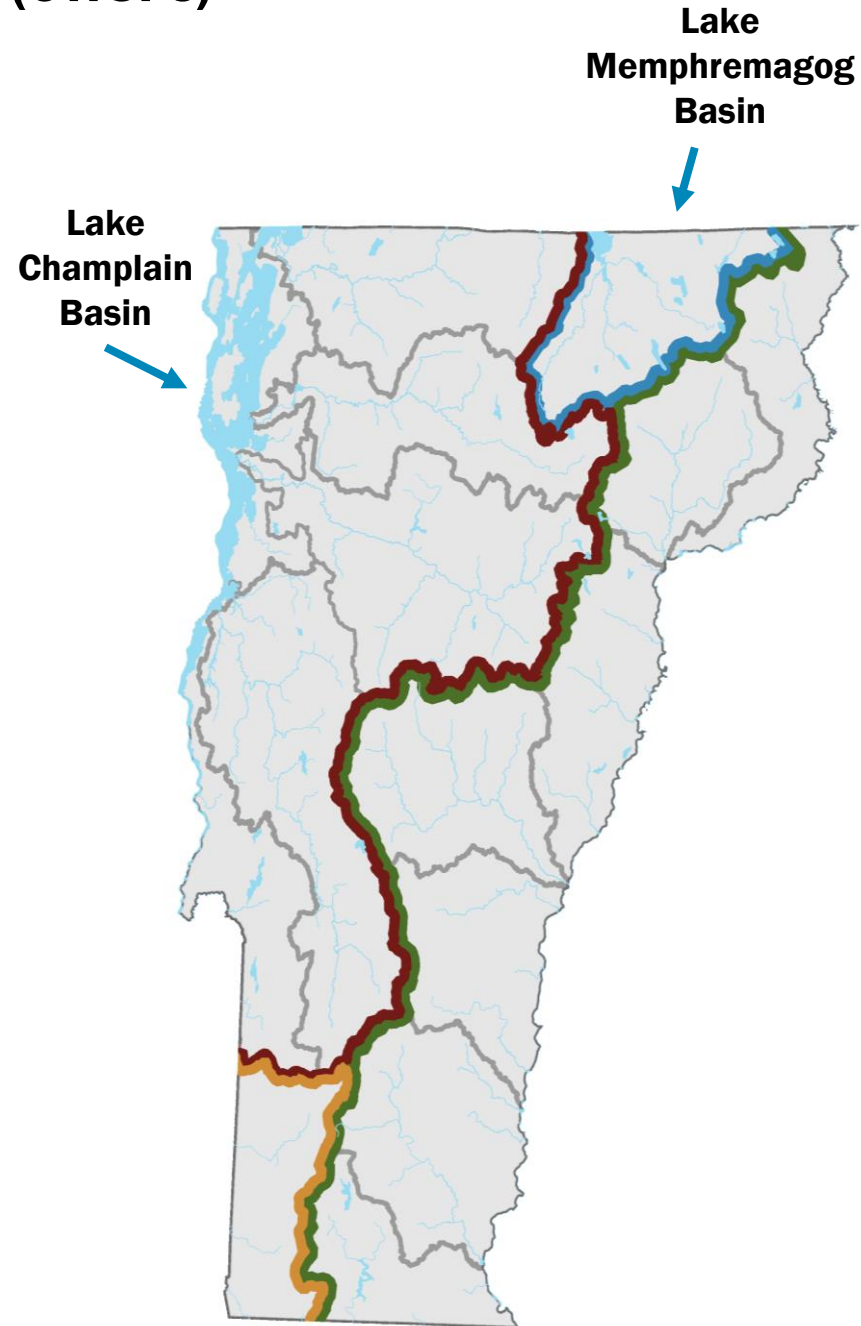
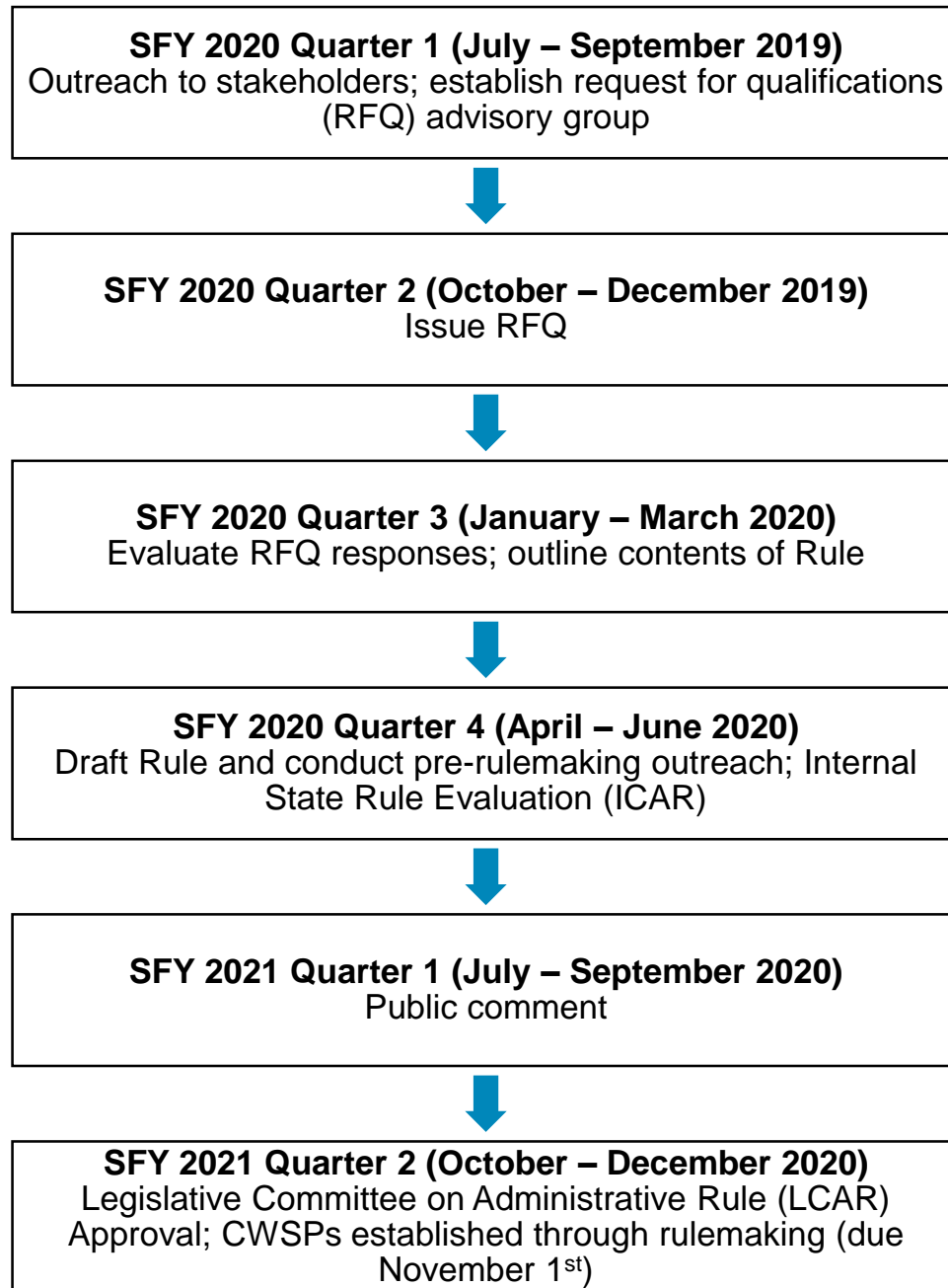
Recipient(s)	Individuals
Geographic Focus	Initially, Lake Champlain and Lake Memphremagog basins and stormwater impaired watersheds; other basins in 2033
Project Types	Stormwater treatment practices required to comply with 3-acre permit
Funding Level	Determined by Clean Water Board complemented with CWSRF financing; administrative costs capped at 15% of total award; contingent on CWSP satisfactory progress
Fund Dispersal	Competitive process
Effective Date	November 1, 2021

Water Quality Restoration Formula Grants

Recipient(s)	Clean Water Service Providers (CWSP) advised by Basin Water Quality Councils*
Geographic Focus	Lake Champlain and Lake Memphremagog basins by tactical basin planning watershed
Project Types	Non-regulatory clean water projects
Funding Level	Determined by Clean Water Board; administrative costs capped at 15% of total award
Fund Dispersal	Formula based on phosphorus reduction target and cost/unit phosphorus reduction
Effective Date	November 1, 2021

* At least \$500,000 available to partners for basin planning, basin water quality council participation, education, and outreach

Establishing Clean Water Service Providers (CWSPs)



Clean Water Service Providers (CWSPs) Roles and Responsibilities

CWSPs

Facilitate and staff basin water quality councils

Follow Water Quality Restoration Formula Grant guidelines

Identify, prioritize, develop, and implement non-regulatory projects to meet target

Develop partnerships and subcontract/subgrant work

Operate and maintain non-regulatory projects

Report progress to DEC

ANR-DEC

Establish CWSP through rulemaking

Participate on basin water quality councils

Establish Water Quality Restoration Formula Grant guidelines

Establish interim (5-year) non-regulatory targets for CWSPs

Establish standard cost per unit phosphorus reduction

Support Clean Water Board's dispersal of funds to CWSPs

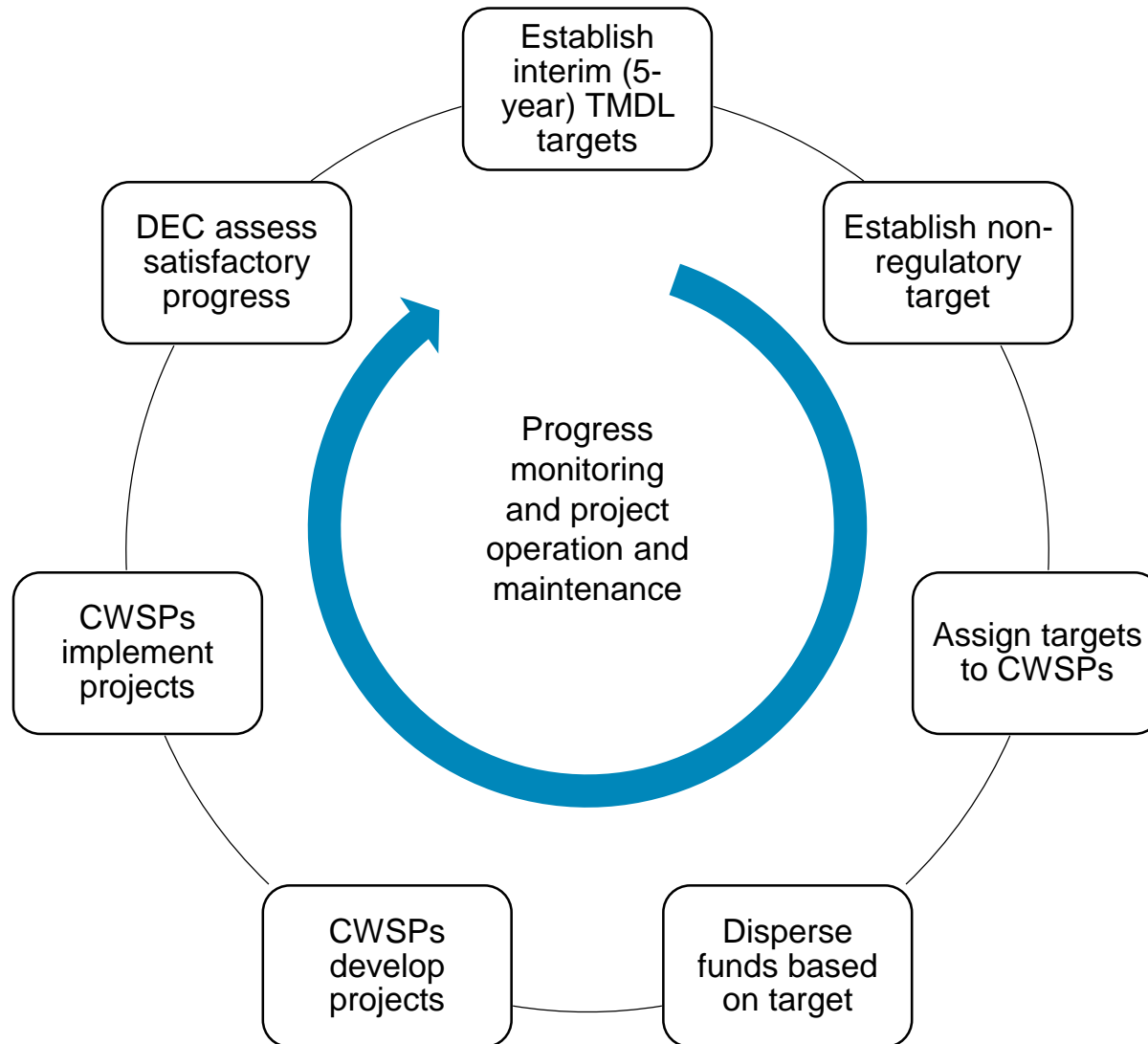
Provide technical assistance to CWSPs

Oversee and determine CWSPs' satisfactory progress

Act 76 Technical Elements: Basin Planning



Act 76 Technical Elements: Target-Setting and Accountability



Act 76 Technical Elements: Accounting

Key			
Currently have ability to account for nutrient pollution reduction			
Do not currently have ability to account for nutrient pollution reduction			
Project Type	Lake Champlain	Lake Memphremagog	Connecticut River
Agricultural cropland and pasture conservation practices	Phosphorus	Phosphorus	Nitrogen
Agricultural forested riparian buffers	Phosphorus	Phosphorus	Nitrogen
Barnyard and production area management practices	Phosphorus	Phosphorus	Nitrogen
River and floodplain restoration	Phosphorus	Phosphorus	Nitrogen
Riparian buffer restoration	Phosphorus	Phosphorus	Nitrogen
Lakeshore restoration	Phosphorus	Phosphorus	Nitrogen
Wetland restoration	Phosphorus	Phosphorus	Nitrogen
Forest erosion control	Phosphorus	Phosphorus	Nitrogen
Stormwater treatment practices	Phosphorus	Phosphorus	Nitrogen
Road erosion control practices	Phosphorus	Phosphorus	Nitrogen
Wastewater treatment upgrades	Phosphorus	Phosphorus	Nitrogen
Combined sewer overflow abatement	Phosphorus	Phosphorus	Nitrogen
Summary of status to expand tracking and accounting ability	Developing methodologies to account for phosphorus reductions from all project types (where feasible) in 2017-2018. Expanded ability to quantify road erosion controls in SFY 2017.	Lake Memphremagog TMDL finalized in 2017, providing phosphorus pollution rates for this region. Use Lake Champlain methods to estimate phosphorus reduction efficiencies by project type.	Need Vermont nitrogen land loading rates to quantify the nitrogen load for land treated by practices (depends on timing and results of EPA's regional Nitrogen Reduction Strategy).

Act 76 Technical Elements: Operation and Maintenance Standards, Verification

Verizon 8:56 AM

My Survey

Project Information

Bioretention is a practice that treats runoff by passing it through a vegetated filter bed, with a filter mixture of sand, soil, and organic matter. Filtered stormwater is either returned to a conveyance system or infiltrated into the native soil.

Ark ID
138

BMP ID
62

Town (Autocomplete)
Northfield

Inspector
Helen

Inspection Date
April 18, 2018

Date of Last Rain Event

✓

Verizon 9:46 AM

My Survey

Project Location

44.257°N 72.584°W ± 65 m

Map showing location near Montpelier, VT, with labels for State St, Main St, and Field St. Esri contributors logo.

Capture Photo / Browse to Photo

Camera icon Folder icon

Erosion

Sediment Accumulation/Deposition

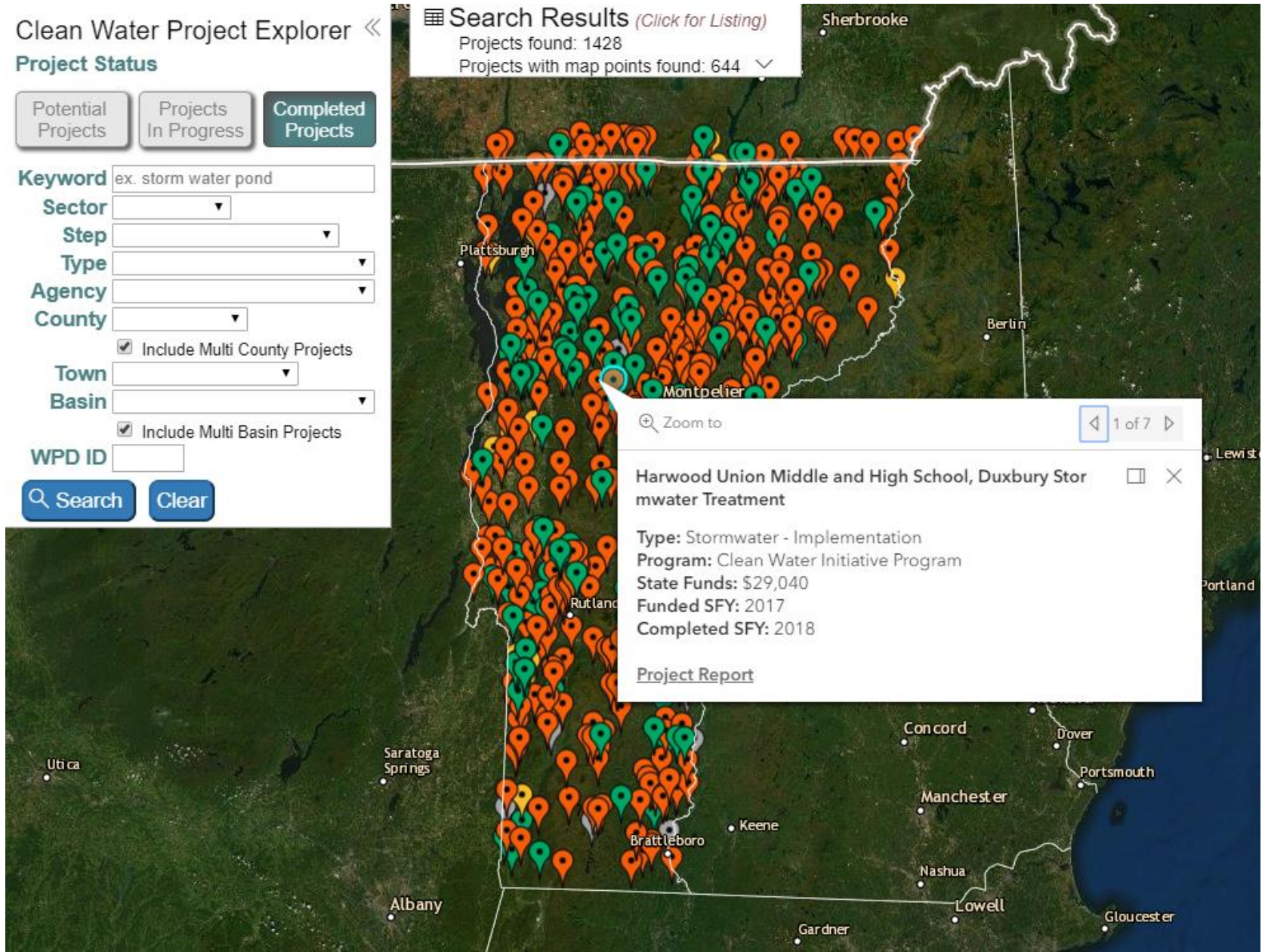
Debris Accumulation

Vegetation

Standing Water

✓

Act 76 Technical Elements: Data Management



SFY 2020 Spending Plan: Transition to Act 76 Grant Programs

1. Building partner capacity to manage funds through block grants and grants-in-aid programs
2. Enhancing project identification, prioritization, and development activities to increase project readiness
3. Bridging gaps in state's ability to establish interim targets and account for phosphorus reductions

For more information, see: <https://dec.vermont.gov/watershed/cwi/grants/>

SFY 2020 Spending Plan: Status and Funding Opportunities

Program	Area of Focus	Grant Size	Status
Ecosystem Restoration Grants	To support development and implementation of projects identified in tactical basin plans and listed in the Watershed Projects Database.	Minimum grant size: \$20,000	80% obligated (natural resources restoration funds remaining for fall round)
Municipal Roads Grants-in-Aid Program	To provide funds to municipalities to implement road erosion control projects that bring hydrologically connected road segments into full compliance with the Municipal Roads General Permit, including purchase of equipment.	Disbursement formula based on municipal hydrologically connected road-miles	100% obligated
Design/Implementation Block Grant	To support partners in managing multiple projects involving preliminary design, final design and/or implementation. Individual projects are identified in tactical basin plans and listed in DEC Watershed Projects Database. A minimum of 50% of the award must support projects that cost at or below \$20,000.	Minimum grant size: \$500,000	100% obligated
River Corridor Easement Block Grant	To support river restoration and protection through implementation of multiple river corridor easements.	Minimum grant size: \$20,000	RFP open, proposals due August 12 th
Woody Buffer Block Grant	To support multiple woody buffer restoration projects along river corridors, floodplains, shorelands, and wetlands.	Minimum grant size: \$50,000	0% obligated, pending competitive process
Watershed Work Crew Block Grant	To support work crew implementation of clean water projects.	Minimum grant size: \$20,000	0% obligated, pending competitive process
Project Development and Technical Capacity Block Grant	To prepare for Act 76 by supporting project development to move projects towards design and implementation; support partnerships via technical outreach and capacity building (e.g., train-the-trainer).	Minimum grant size: \$20,000	0% obligated, pending competitive process

SFY 2020 Spending Plan: Act 76 Technical Elements

VIII. Program Development Related to Act 76 of 2019

25	Technical Development of Tracking, Accounting, Target-Setting	\$300,000	\$300,000
26	Project Development and Technical Capacity Block Grant	\$260,000	\$260,000
27	Grant and Financial Management Personnel	\$200,000	\$200,000
SUBTOTAL (VIII)		\$0	\$760,000

- Interim target setting for TMDL streams allocation and phosphorus accounting for river/floodplain and wetland restoration projects (RFP open, proposals due September 25th)
- Interim target setting for TMDL forests allocation and phosphorus accounting for forest restoration projects (RFP under development)
- Development of operation and maintenance standards for clean water projects (RFP under development)
- Development of standard cost per unit phosphorus reduced by clean water projects (RFP under development)

Act 76 Working Groups

Land and Water Conservation Study

January 2020 report on a framework for statewide land conservation to maximize WQ benefits and other state priorities.

Water Quality Protection on Farms

January 2020 report on how to most effectively deliver funding to the agricultural community.



ANR-DEC Organizational Changes to support Act 76



DEC has created a new Division dedicated to water infrastructure planning, financing, engineering, and reporting



Combines bench-strength of the state revolving fund financing programs and clean water funding programs to facilitate grant programs



Provides coordinated tactical basin planning support to bridge between DEC regulatory programs and municipal and CWSP-led efforts



Provides for evolution of granting programs to align with Act 76



Supports engineering services across all aspects of clean and drinking water infrastructure

For more information:

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