

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

DATE: **Tuesday, January 7, 2020**
 SCHEDULED TIME: 11 a.m. to 12:30 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	Hinesburg: Merrily Lovell	St. George:
Buels Gore: Maura McClure	Huntington: Darlene Palola	Underhill:
Burlington: James Sherrard	Jericho:	Westford:
Charlotte:	Milton: Dave Allerton	Williston:
Colchester: Karen Adams, Amanda Clayton	Richmond: Ravi Venkataraman	Winooski: Jon Rauscher, Ryan Lambert
Essex: Annie Costandi	Shelburne:	VAOT:
Essex Junction: Chelsea Mandigo	South Burlington:	VANR:
Burlington Airport: Polly Harris (Stantec)	University of VT: Lani Ravin	CCRPC Board:
Friends of the Winooski River:	Lewis Creek Assoc: Kate Kelly; Andrea Morgante	Winooski NRCD:
Other Attendees: DEC: Karen Bates; Blue@ Stormwater: Juliana Dixon		
CCRPC Staff: Dan Albrecht, Chris Dubin, Charlie Baker, 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 November 5, 2019**

After a brief recap by Dan Albrecht, Karen Adams *made a motion, seconded by Joss Besse to approve the minutes as drafted. Note made to correct to read “Act 76” not “Act 176.” MOTION PASSED including the minor correction with abstentions by various members who were not present at 11/5/19 meeting.*

4. **Clean Water Service Providers, review current draft of RFP**

Dan explained that there are two things going on at the same time: RFP and rule-making pursuant to Act 76. By November 2020 – formal appointments of CWS providers will be made and the phosphorus reduction targets by basin to be achieved by the non-regulatory programs will be assigned. The state is working with consultants to help establish the targets, the associated reductions associated with each best management practice and the standardized cost for that practice. CCRPC has expressed to the state that no organization is going to sign up to be a CWSP until these targets are known. Dan added that there are quite a lot of questions that aren’t answered in the RFP because the intent is to figure out some of the details in the rule making.

There was a question about whether CCRPC will apply to be a CWSP. Charlie stated that we’ll need to figure that out over the next three months. There may be some logic in serving this role in the Direct to Lake basin (Basin 5, Northern Lake Champlain) which would include our lakeshore towns, plus MS4s, all of Grand Isle County and a few towns in Franklin County including St. Albans.

Dan provided an overview of the RFP and comments that staff have made on the RFP. The comments include:

1. Start this process with the just the basin for Lake Champlain and Memphramagog rather than the entire state.
2. Request for clarification on liability and related issues about not meeting targets. There was quite a bit of discussion about this. Charlie clarified that the legislation is intended to make municipalities care

1 about these non-regulatory programs; even though they are totally dependent on private landowners.
2 The state is concerned that we aren't going to meet the TMDL goals without making improvements
3 outside of the non-regulatory framework.

- 4 3. Timelines for pollution reduction values, and funding. There was discussion that hopefully there will
5 be some flexibility and adjustment to the formulas for pollution reduction if they don't prove accurate.
- 6 4. Various clarifying questions.
- 7 5. Discussion about the Basin Water Quality Council and how it's appointed. The members of the CWSP
8 (regional planning commissions, municipalities, conservation districts and watershed group each
9 appoint two members to the Council while one seat is for a statewide land conservation effort).
10 Frustration that this is far removed from the voting public and how only having two municipal
11 representatives is too few even when Munis are the only ones on the hook for losing out on funds for
12 the regulatory programs.
- 13 6. Question about how the non-traditional MS4s are involved. They are not contemplated in the
14 membership on the CWSP. Perhaps they can access funds for work outside of the regulatory
15 programs.
- 16 7. Need some clarification on what program delivery costs cover. Percentage of formula grant amount.
17 Question about operation and maintenance costs for these non-regulatory projects. DEC has said that
18 there will be other grants for this. Hopefully a lot of this will be worked out by the time the funding
19 flows.
- 20 8. Charlie Baker stated that it might make sense to establish a separate non-profit with the Board
21 functioning at the non-profit Board to do all of this work. Also, the RPCs currently have a tactical
22 basin planning outreach grant, and it isn't clear where that work ends and this project development
23 work starts. The point of having a separate entity is to keep it clean and not mix the costs or liability
24 with CCRPC's budgets.
- 25 9. Timing is a challenge because even if DEC chooses providers, they are not going to sign on until the
26 know the rules they are working under. The rules won't be finalized until the end of 2020.
- 27 10. Question about the level of involvement of municipalities on this work, and the number of hands that
28 paperwork will have to go through. This work won't really be what municipalities typically do since
29 they are all focused on regulatory programs. Its more in the hands of the watershed groups and non-
30 profits.
- 31 11. Timeline: RFP out at end of January and want proposals by April; and rule-making starts in April as
32 well.
- 33 12. Question about conflict of interest with a watershed group being on the Board and then accesses
34 funding to do the work. This won't be that much different than the way the RPC works all the time.
35 Each municipality gets funding from the UPWP that all of them vote on. The Basin Water Quality
36 Council will establish process to address this.
- 37 13. Question about O&M grant – is it a onetime grant? Supposed to be a formula grant to help with the
38 full O&M long-term costs.
- 39 14. Other RPC's going to apply – so far we know of one that probably won't apply. However, all will be
40 open to other groups if there is a better fit. Hopefully between the RPCs and the natural resource
41 conservation district each basin will be covered.

42
43 Review and RFP questions will go to the Board next week as well. Then in February and March we'll have a
44 discussion item on both agendas to discuss possible response to the RFP.

45 46 **5. Clean Water Block Grants**

47 Dan noted that Southern Windsor County RPC plans to issue a new RFP for projects over \$20k this week.
48 Anticipated timeline is that proposals will be due in 4-5 weeks and then notice of awards made 4 weeks
49 after that. A small portion of the grant can go towards producing bid docs and finalizing the engineered
50 plan but the intent is that most of the funds will go towards Construction/Implementation. There is no
51 match requirement except for MS4 communities must match 50%.
52

- 1 **6. Updates**
- 2 No additional updates.
- 3
- 4 **7. Items for December 3rd meeting agenda.** Continued review/action on CW Service Providers RFP
- 5
- 6 **8. Adjournment.** The meeting adjourned at 12:00 p.m.
- 7
- 8
- 9

Respectfully submitted, Regina Mahony and Dan Albrecht

DRAFT