Meeting Slides

Northern Lake Champlain Basin Water Quality Council March 17, 2022 Meeting

Presented by:
Dan Albrecht, Chittenden County RPC
CWSP Manager for
Northern Lake Champlain Drainages Basin (Basin 5)

Today's agenda

Regulatory Origins

- Act 76: Clean Water Service Delivery Act
- Phosphorus load reduction targets
- Clean Water Service Provider start-up
- BWQC responsibilities

Pending BWQ policies

Action Items: Seat members, appoint alternates, appoint Chair & Vice Chair; establish regular meeting schedule

- Note: A word of thanks to Dean Pierce of Northwest RPC for the template for this presentation and to VT-DEC for content

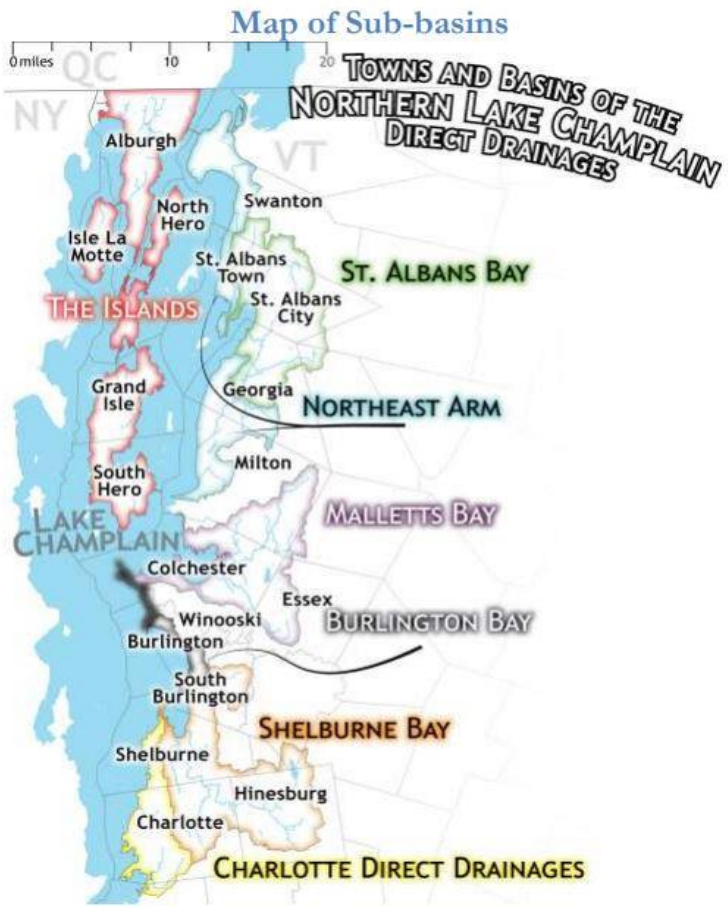
What is a Basin Water Quality Council (BWQC)?

Clean Water Service Providers (CWSPs) must convene a BWQC in each basin. The Basin 5 BWQC will establish policy and guide decisions on project prioritization and selection of clean water projects for funding. The CWSP will oversee identification, implementation, and operation of those projects to achieve pollution reduction targets for non-regulatory projects for the Northern Lake Champlain Direct Drainage Basin.

Who is on the Basin 5 WQC?

BWQC members are appointed from among persons knowledgeable on clean water topics

Northern Lake Champlain (Basin 5)



The Basin 5 BWQC has 9 members representing the following organizations.

Land Conservation Organizations – 1 member
Municipalities - 2 members
Natural Resource Conservation Districts - 2 members
Regional Planning Commissions – 2 members
Watershed Protection Organizations – 2 members

Source: VT-DEC

	NORTHERN LAKE CHAMPLAIN DIRECT DRAINAGES: BASIN 5	
	Clean Water Service Provider	
	Chittenden County RPC	Charlie Baker, Director
	Chittenden County RPC	Dan Albrecht, Manager
	DEC Basin Planner	
	Basin 5	Karen Bates
	BASIN 5 WATER QUALITY COUNCIL, Spring 2022	
	Watershed Organizations	**Two (2) seats**
MEMBER	**Kent Henderson**	Friends of Northern Lake Champlain
MEMBER	**Andrea Morgante**	Lewis Creek Association
Alternate	*Don McFeeters (for Henderson)*	*Friends of Northern Lake Champlain*
Alternate	*Roger Crouse (for Morgante)*	*Lake Iroquois Association*
	Municipalities	**Two (2) seats**
MEMBER	**Dave Wheeler**	South Burlington
MEMBER	**Ken Mirvis**	Grand Isle
Alternate	*Thomas Briselden*	*North Hero*
	NRCDs	**Two (2) seats**
MEMBER	**Molly Varner**	Grand Isle County NRCD
MEMBER	**Remy Crettol**	Winooski NRCD
Alternate	*Lauren Weston*	*Franklin County NRCD*
	RPCs	**Two (2) seats**
MEMBER	**Dean Pierce**	Northwest RPC
MEMBER	**Karen Adams**	Chittenden County RPC
Alternate	*Catherine Dimitruk*	*Northwest RPC*
Alternate	*Miles Waite*	*Chittenden County RPC*
	Land Conservation Org.	**One (1) seat**
MEMBER	**Emily Alger**	*South Hero Land Trust*
Alternate	*t.b.d.*	

Regulatory origins

Vermont Clean Water Act (Act 64 of 2015)
"All-in for Clean Water"

Reasonable assurance to meet nonpoint source targets

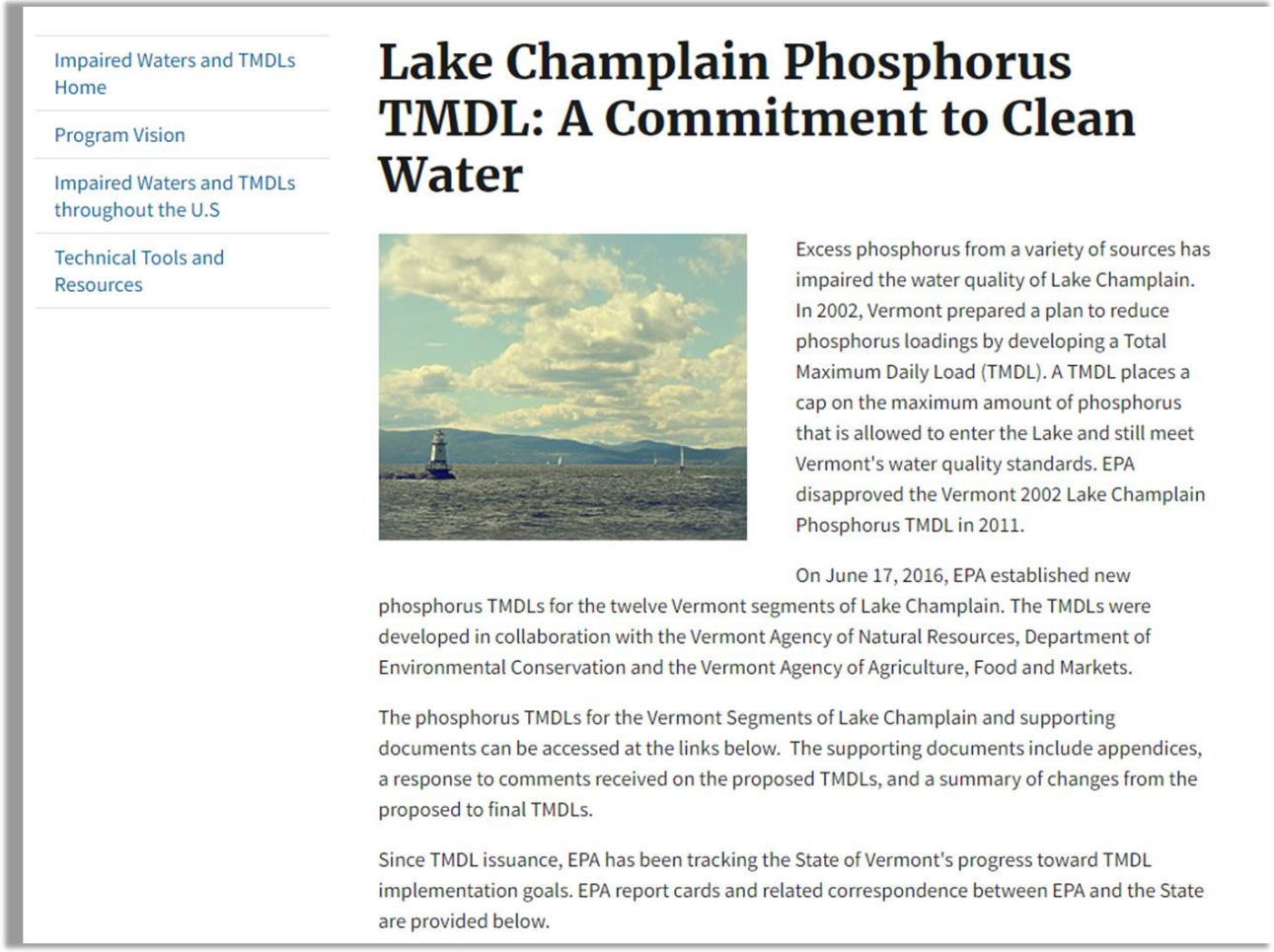
Water quality regulations

Clean Water Fund

Tracking, accounting, and reporting requirements

Source: VT-DEC

TMDL = Total Maximum Daily Load



Impaired Waters and TMDLs Home

Program Vision

Impaired Waters and TMDLs throughout the U.S

Technical Tools and Resources

Lake Champlain Phosphorus TMDL: A Commitment to Clean Water

Excess phosphorus from a variety of sources has impaired the water quality of Lake Champlain. In 2002, Vermont prepared a plan to reduce phosphorus loadings by developing a Total Maximum Daily Load (TMDL). A TMDL places a cap on the maximum amount of phosphorus that is allowed to enter the Lake and still meet Vermont's water quality standards. EPA disapproved the Vermont 2002 Lake Champlain Phosphorus TMDL in 2011.

On June 17, 2016, EPA established new phosphorus TMDLs for the twelve Vermont segments of Lake Champlain. The TMDLs were developed in collaboration with the Vermont Agency of Natural Resources, Department of Environmental Conservation and the Vermont Agency of Agriculture, Food and Markets.

The phosphorus TMDLs for the Vermont Segments of Lake Champlain and supporting documents can be accessed at the links below. The supporting documents include appendices, a response to comments received on the proposed TMDLs, and a summary of changes from the proposed to final TMDLs.

Since TMDL issuance, EPA has been tracking the State of Vermont's progress toward TMDL implementation goals. EPA report cards and related correspondence between EPA and the State are provided below.

2016: EPA establishes TMDL for phosphorus for 12 Vermont segments of Lake Champlain

ACT 76 OF 2019

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

Long term clean water funding source, updated priorities

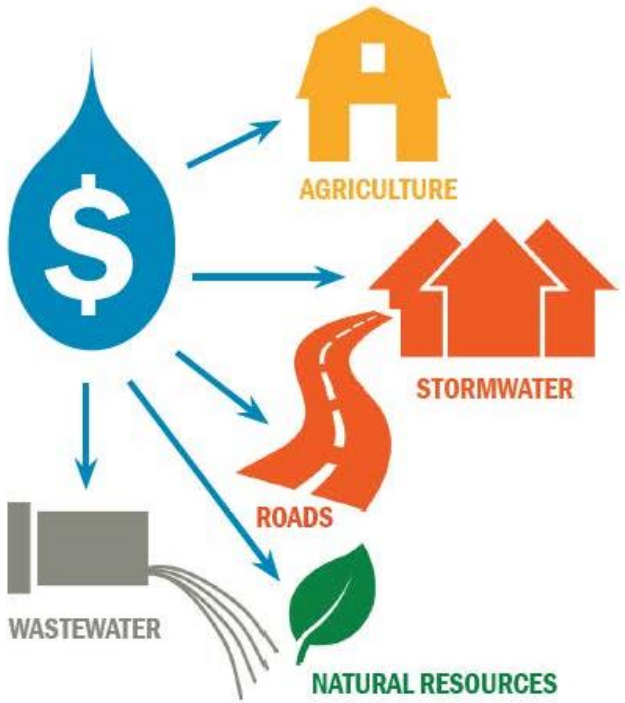
Four new grant programs

Clean water service providers (CWSP)

Assurances to meet non-regulatory targets

Assurances of project operation and maintenance

Interim targets, enhanced accounting



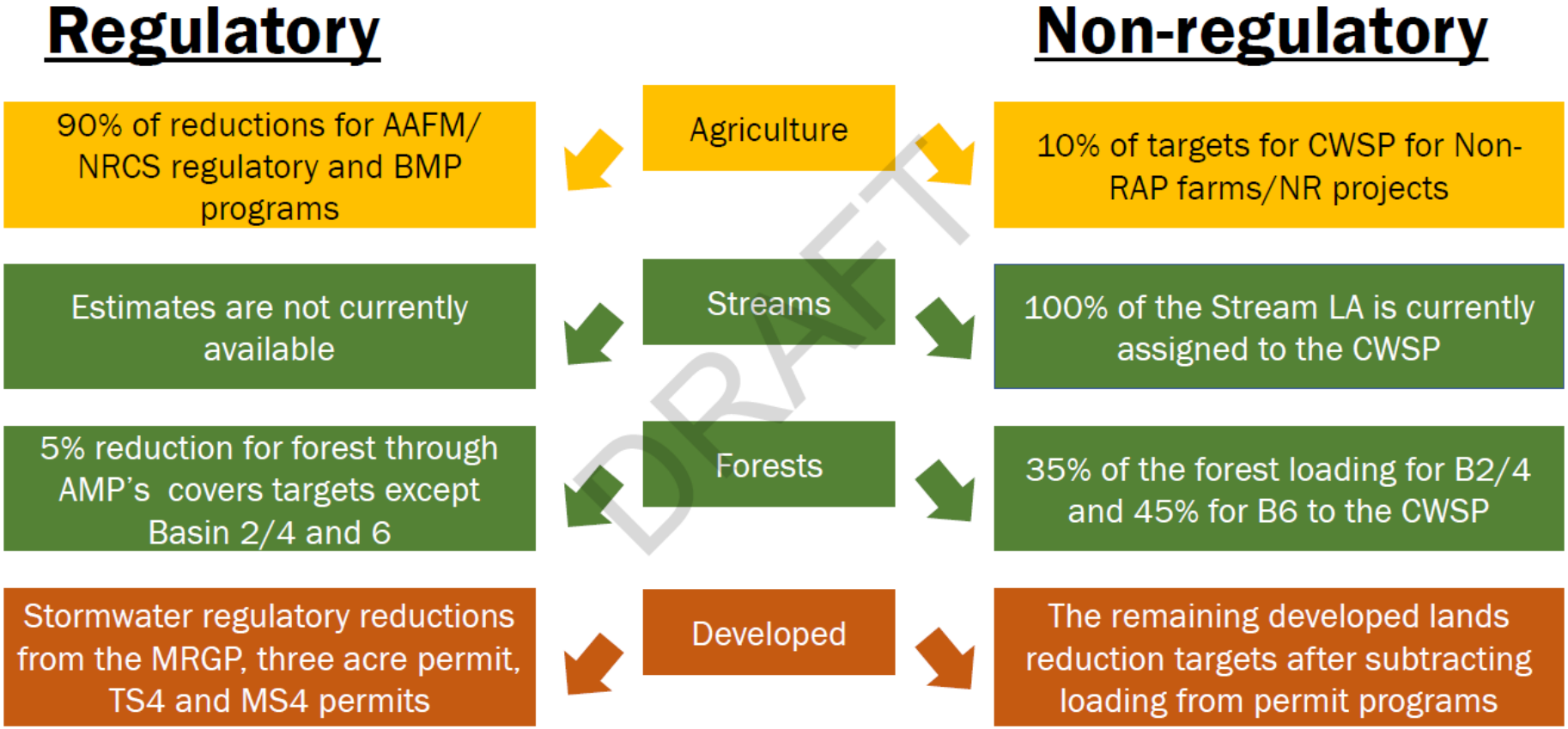
Source: VT-DEC

focus on non-regulatory phosphorus (P) load

- Provides assurance to meet non-regulatory, P load reduction targets
  - Floodplain reconnection, wetlands restoration, forestland best management practices and forested riparian buffer restoration
- Establishes interim P reduction targets
  - Disperses funds for Lake Champlain and Lake Memphramagog basins
  - Based on standard cost per unit per P reduced

Projected annual load reductions (DEC): Draft

Projected annual TP load reductions achieved through regulations per basin by sector



Source: VT-DEC

First year targets (DEC): Preliminary

1) Preliminary year 1 CWSP reduction targets in kg/yr	Farm	Developed	Forest	Stream	Total
Basin 2 & 4 - Poultney, Mettawee, South Lake Champlain	14.8	7.6	6.6	36.6	65.6
Basin 3 - Otter, Lewis, Little Otter	21.3	13.1	9.7	53.2	97.3
Basin 5 - Northern Lake Champlain Direct	9.9	17.5	2.0	11.5	41.0
Basin 6 - Missisquoi, Rock, Pike	14.7	16.6	15.4	107.1	153.7
Basin 7 - Lamoille	4.8	15.8	4.2	17.0	41.8
Basin 8 - Winooski	6.1	15.8	9.5	63.6	95.1
Basin 17 Lake Memphremagog	10.0	13.6	4.7	18.9	47.3
Total	81.6	100.1	52.1	308.0	541.8

Source: VT-DEC

CWSP Funding Levels (DEC): Preliminary

3) Proposed CWSP phosphorus reduction targets and funding levels for FY23	Reduction targets (kg/yr)	Project funding	Admin funding	Total funding	Average cost per kg/yr
Basin 2 & 4 - Poultney, Mettawee, South Lake Champlain	64.1	$640,999	$113,118	$754,117	$11,496
Basin 3 - Otter, Lewis, Little Otter	95.1	$975,028	$172,064	$1,147,092	$11,789
Basin 5 - Northern Lake Champlain Direct	40.1	$552,500	$97,500	$650,000	$15,854
Basin 6 - Missisquoi, Rock, Pike	150.3	$1,606,546	$283,508	$1,890,054	$12,297
Basin 7 - Lamoille	40.9	$552,500	$97,500	$650,000	$15,550
Basin 8 - Winooski	92.9	$1,069,927	$188,811	$1,258,737	$13,236
Basin 17 - Lake Memphremagog	46.2	$552,500	$97,500	$650,000	$13,742
Total	529.6	$5,950,000	$1,050,000	$7,000,000	$12,920

Source: VT-DEC

Cost of phosphorus (P) load reduction varies

Non-regulatory Target Sector	Project categories representing cost of implementing non-regulatory targets by most commonly associated sector	Estimated design/engineering (if applicable) and construction cost per total phosphorus load reduction ($/kg/yr)	Anticipated enhancements to targets/cost rates in future years
Streams	Floodplain/stream restoration	$17,166	Functioning Floodplain Initiative (FFI) planning tools under development will further define restoration potential by project type, including anticipated split between forms of active and passive restoration.
	River corridor easement	$13,970	
	Riparian buffer restoration	$5,116	
	Lake shoreline restoration	$7,824	
	Streams sector average	**$11,019**	
Developed	Stormwater best management practices (BMPs)	$46,026	
	Road BMPs	$6,308	
	Lake shoreland runoff treatment	$13,425	
	Developed sector average	**$21,920**	
Farm Field	Riparian buffer restoration	$5,116	
	Farm field sector average	**$5,116**	
Forest	Forest road BMPs	$1,578	Additional forest BMPs will be incorporated once phosphorus accounting methods are in place.
	Forest sector average	**$1,578**	

Source: VT-DEC

Chittenden County RPC as CWSP for Basin 5

- **Clean Water Service Providers (CWSPs) Roles and Responsibilities**

CWSPs	ANR-DEC
Facilitate and staff basin water quality councils	Establish CWSP through rulemaking
Follow Water Quality Restoration Formula Grant guidelines	Participate on basin water quality councils
Identify, prioritize, develop, and implement non-regulatory projects to meet target	Establish Water Quality Restoration Formula Grant guidelines
Develop partnerships and subcontract/subgrant work	Establish interim (5-year) non-regulatory targets for CWSPs
Operate and maintain non-regulatory projects	Establish standard cost per unit phosphorus reduction
Report progress to DEC	Support Clean Water Board's dispersal of funds to CWSPs
	Provide technical assistance to CWSPs
	Oversee and determine CWSPs' satisfactory progress

Source: VT-DEC

CWSP start-up tasks: Phase I

- Develop a website/webpage
- Set up a grant/contract tracking system and grant reporting systems
- Set up a project tracking system
- Ensure legal and accounting requirements Draft required CWSP policies
- Participate in Act 76 Advisory Group
- Manage startup grant Invoices, etc.

CWSP start-up tasks: Phase II

- Establish and empanel the BASIN WATER QUALITY COUNCIL (BWQC)
- BWQC capacity development and training
- Develop/adopt BWQC Meeting Rules / Policies
- BWQC member attendance at applicable meetings and trainings
- Conduct RFQs, procurement for select services

BWQC: Responsibilities

- A) The purpose of a BWQC is to establish policy and make decisions for the CWSP regarding the most significant water quality impairments that exist in the basin and prioritizing the clean water projects that will address those impairments based on the basin plan.
- (b) When prioritizing clean water projects and prioritizing the most significant water quality impairments in the basin, the BWQC shall consult with the basin plan and CWSP and utilize the Agency's project selection protocols.
- (c) The BWQC shall participate in the basin planning process established in 10 V.S.A. § 1253(d).

Source: VT-DEC

BWQC: Required policies

- Open Meetings Law
- Public Participation Policy
- Meeting Rules: Robert's Rules as modified
- Conflict-of-Interest provisions

BWQC: Required policies

Vermont Open Meeting Law:

Quorum, Meetings (Regular, Special, Emergency,), Group Emails, Agenda, Posting, Minutes, etc.

Public Participation Policy:

"Public Participation. The CWSP shall comply with a public participation policy that, at a minimum: (1) ensures public notice of the CWSP and BWQC meetings, decisions, and actions; (2) promotes public participation in an open, competitive, and transparent process for identifying and selecting clean water projects, with specific consideration given to minority, limited English proficiency, and socioeconomically disadvantaged communities and stakeholders; and (3) complies with the Agency's nondiscrimination policy."

BWQC: Required policies

- **"Professional Conduct:"** CWSPs and BWQCs receive and administer public funds for the purpose of advancing projects to improve water quality of the State's waterbodies held in the public trust. Accordingly, CWSPs and BWQCs shall at all times conduct themselves in a professional manner. More specifically, CWSPs and BWQCs should abide by the following principles:

- All parties should have respect for another's point of view
- All parties should be committed to resolving disputes in a respectful and professional manner
- All parties should be willing to compromise
- Any disputes should be resolved in a fair and timely manner

BWQC: Required policies

- In addition, the BWQC should consider policies that address:
  a. Ethical Standards (§ 39-503)
  i. Each BWQC member shall be knowledgeable on clean water topics for the basin(s) served and shall at all times act in good faith in the discharge of BWQC member, but only from eligible persons.
  a. BWQC meeting attendance
  b. BWQC members shall attend all BWQC meetings, unless good cause prevents attendance. Failure to attend one-half or more of the scheduled meetings per year without good cause shall constitute grounds for replacement of the member.
  c. Conflict of Interest - A BWQC member that proposes to implement a clean water project must disclose any potential conflict of interest and shall recuse themselves from any BWQC decision-making subject to that conflict. Notwithstanding these limitations, a conflicted BWQC member may answer questions on the subject project in an open meeting of the BWQC.

Final questions??

Dan Albrecht, CWSP Manager

Clean Water Service Provider: Northern Lake Champlain Direct Drainages (Basin 5)

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