

CHITTENDEN COUNTY REGIONAL PLANNING COMMISSION
MS4 SUBCOMMITTEE
 OF CLEAN WATER ADVISORY COMMITTEE – **Draft** MINUTES

DATE: **Tuesday, October 3, 2023** **REGULAR MEETING**
 SCHEDULED TIME: 12:15 p.m. to 1:30 p.m.
 PLACE: online via Zoom
 DOCUMENTS: Minutes, documents discussed, and presentations accessible at:
<http://www.ccrpcvt.org/meetings/clean-water-advisory-committee/>

Committee Members in Attendance (all attending online unless otherwise noted)		
Burlington: James Sherrard (arr. 12:25)	Burlington Airport: Catie Calabrese (EIV),	Williston: Christine Dougherty, Lisa Cichetti
Colchester: Karen Adams, Brett McCreary	Milton: Lisa Schaeffler	Winooski: Ryan Lambert
Essex: Annie Costandi, co-chair	Shelburne:	VAOT:
Essex Jct.: Chelsea Mandigo, co-chair	South Burlington: Dave Wheeler, Marisa Rorabaugh	Univ. of VT: Lani Ravin
DEC: Christy Witters, Sam Hughes		
Guests: Nina Gage, VAAFM; Adelaide Dumm, WNRCD; Karen Bates, DEC; Chip Sawyer, City of St. Albans; Dave Allerton & July Medina-Triana, Town of St. Albans; Amy Macrelis, Stone Environmental		
CCRPC Staff: Dan Albrecht, Sai Sarepalli, Sarah Muskin		

1. Changes to the Agenda and Public Comments on Items not on agenda:

The meeting was called to order at 12:15 p.m. by Mandigo. The agenda as drafted was agreed to unanimously after motion by Dougherty and seconded by Lambert. Allerton asked if the subcommittee to share information about dealing with requests from the public for clearing out ditches outside of the municipal ROW. Dan introduced the attendees.

2. Review and approval of minutes (August 1, 2023)

After a brief recap by Albrecht, *Adams made a motion to approve the minutes of August 1st as drafted with a second by Wheeler. The motion was approved unanimously.*

3. Quick overview of current FY24 Budget and potential FY25 Budget

Albrecht walked through the FY24 Budget. CCRPC staff time is set at 60 hours which is a maintenance level. Advertising budget is typical amount. The budget for Pluck is about \$8,000 higher than a maintenance level due to work on New Creative. The amount for Stream Team services is shown as well. Total budget is \$84,000 which results in member dues of \$7,000 each. Mandigo noted that we will go into more detail on the draft FY24 Budget at our November meeting. Albrecht suggested that for now members may want to plan on FY25 dues of \$6,000 to \$7,000.

4. Conversation with Nina Gage, Vermont Agency of Agriculture, Farms and Markets regarding SW Utilities and Farm Impervious Surface Billing

Nina Gage introduced herself. She is the VAAFM Assistant Director for Water Quality. We share a common ground with MS4s on trying to meet the TMDL. Dougherty noted that Senate Bill 115 that MS4s are now allowed to charge stormwater utilities to farms that are actively farming and that are subject to Required Agricultural Practices (RAPs). He would like to get more info on obtaining annual certificates of compliance for farm properties so that MS4s can explain why certain properties were exempted from utility fees and also so we can understand more about water quality trainings that are required under the RAPs. If we have time would be great to hear about section 6.01a, addressing discharges and tracking sediment that came from farm operators that get into the town ROW.

Gage then presented several slides about the VAAFM's Agricultural Non-Point Source Pollution Control Program. They have 10-12 farm inspectors as well as do lots of education and outreach and also assist farms

1 (especially with small farms that only have a few staff) with assessing, planning and implementing projects.
2 They also work with numerous partners such as NRCs. Every day they are on 2 farms per day on average
3 over the course of a year. She then walked through the RAPs which apply to all farms and then there are
4 additional requirements that larger farms must comply with. The threshold to be considered a farm that is
5 subject to the RAPS is fairly basic. At minimum a farm that either farms 4.0 acres or more of land OR, sales of
6 farm productions of at least \$2,000 per year OR having filed a Form 1040(F) Tax Form once in the last two
7 years would be considered as a Small Farming Operation (SFO). Most of the 6,000 to 7,000 farms in the state
8 fall into this category. Most of the Agency's efforts with regards to water quality focuses on larger farms
9 which are classified, depending upon acreage or the certain numbers and types of animals present. Depending
10 upon threshold levels met, these levels are Certified Small Farm Operations (CSFO), Medium Farm
11 Operations (MF) and Large Farm Operations (LFO). These operations have discrete inspection schedules,
12 have more detailed permit requirements to meet and must complete a Nutrient Management Plan. In general
13 farms are not allowed to have stormwater. Production areas shall utilize runoff or leachate collection, diversion
14 or other management strategy to prevent discharge of waste or indirect discharge to groundwater.
15

16 Regarding SB 115, known as Act 43, VAAFM recommends that MS4 towns work with them as follows in
17 three steps.

18 Step 1 – Ask VAAFM for a list of farm operations that are known to be operating in your municipality.

19 Step 2 – Confirm use of structures, roads, or buildings on mixed use parcels with your constituents.

20 Step 3 – Reach out if you are presented with a situation where you need assistance from VAAFM

21 Note that there is a difference between a facility address and an operation address. The facility address will be
22 the primary one in terms of parcels to look at. We recommend coordinating with them regarding what is
23 agriculture and what is mixed use. Sherrard stated that it is not the town's job to go beyond the list and
24 determine whether other properties are or are not a farm. Gage noted that it is a tricky issue of addressing
25 miscellaneous land that is leased to a different farmer than generally operates on their primary agricultural
26 property. Gage confirmed that VAAFM get required Annual Compliance Certifications from CSFOs and
27 larger but they do not get them from SFOs but SFOs are required to follow RAPs. They will inspect SFOs if
28 they receive a complaint. To obtain a list of farm operations, contact Nina Gage or Laura DiPietro.
29

30 Gage then shared several slides describing the loss of cropland over time since 1987. Total acreage in farming
31 has dropped but the number of farms has increased. With regard to cow dairies, in 2009 there were 1,091 such
32 dairies but in 2018 there were only 503. On the other hand, we have seen an increased diversification in farm
33 products.
34

35 She then noted that the agricultural community has stepped up in terms of phosphorus reduction efforts such as
36 reduced tillage, cover cropping, etc. However, due to climate change, we are now seeing more intense
37 observed annual precipitation but conversely we could be able to grow more food in the northeast and states
38 and agriculture planners are pondering whether the six New England states could provide 3% of their food
39 from regional farms and fisheries by 2030. She concluded by sharing key contact info.

40 Laura DiPietro, Director, Email: Laura.Dipietro@Vermont.gov

41 Nina Gage, Assistant Director, Email: Nina.Gage@Vermont.gov

42 Web: [Agriculture.Vermont.gov/WaterQuality](https://agriculture.vermont.gov/WaterQuality)
43

44 Allerton asked who they should contact if they see runoff going direct from a farm field into Lake Champlain.
45 Gage indicated she can email her or you can file a complaint as follows and they will send someone out within
46 24 hours. <https://agriculture.vermont.gov/form/environmental-complaint-form> or via phone to WENDY
47 HOUSTON-ANDERSON AT 802-272-0036.
48

49 Albrecht asked the MS4s how, prior to the bill, farm properties were billed. Gage clarified that the bill has
50 nothing to do with the residential properties or employee or farm worker housing which can still be assessed a
51 stormwater utility fee. Sherrard stated that for Williston and Burlington they were treated as a Commercial or
52 Industrial property and assessed based upon the impervious cover on site. For South Burlington they would

1 have been assessed with one Equivalent Residential Unit per farm as the City decided to give the farms a
2 break. Dougherty stated she has heard from \$10,000 to \$80,000 as potential reductions. Allerton noted that for
3 the Town of St. Albans the annual loss of revenue is about \$80,000. Dougherty estimated that the impact to
4 Williston would be about \$10,000. Dougherty expressed her thanks for Gage's presentation. Gage offered to
5 continue to support MS4s with the process of adapting to this new legislation.
6

7 **5. Brief update by WNRCD on MCM#2 compliance activities**

8
9 Dumm presented the highlights of her recent September report. She worked almost 52 hours in September on a
10 variety of Administrative, Outreach and Event/Project Tasks.
11

12 **6. How are municipalities addressing request for ditch cleaning outside municipal ROW**

13 Dougherty indicated that since she has come to Williston, she won't allow it unless there is a clear easement in
14 place that spells out rights and responsibilities. Most people understand once she explains the liability
15 concerns. Allerton says that that is his position as well but at least 10 people have come to the Selectboard
16 complaining about water in their yards and they don't want to do it. These ditches are typically conveyances
17 between the houses or goes into backyards and are sometimes the result of poor work by developers 30 years
18 ago. Essex Junction has taken a different approach and created easements if board minutes or as-builts showed
19 that the City indicated they would take care of it. Lambert indicated they generally don't take ownership of old
20 culverts but if the ROW does drain into it from upstream, we will take care of it even if no easement is in
21 place. It is not an ideal situation as some culverts are over 100 years old, stone-lined and 20-ft deep. Dougherty
22 noted that case law per historical drainage says people have the right to discharge stormwater from their
23 property.

24 Dumm put the following in the chat for potential DIY projects: If this land is private property, I might offer the
25 VT guide to Stormwater mgmt. for homeowners and small businesses- there are several resources for GSI, and
26 it is a great DIY resources. We also have a program called Storm Smart where I conduct a home assessment
27 and make tailored recommendations for the land owner. *landowners are responsible for construction,
28 unfortunately WNRCD doesn't have funds implement infrastructure changes at this time for private
29 landowners. [https://dec.vermont.gov/sites/dec/files/wsm/erp/docs/2018-06-](https://dec.vermont.gov/sites/dec/files/wsm/erp/docs/2018-06-14%20VT%20Guide%20to%20Stormwater%20for%20Homeowners.pdf)
30 [14%20VT Guide to Stormwater for Homeowners.pdf](https://dec.vermont.gov/sites/dec/files/wsm/erp/docs/2018-06-14%20VT%20Guide%20to%20Stormwater%20for%20Homeowners.pdf) Feel free to pass my contact information to
31 landowners who might want assistance.

32 Karen Bates put the following in the chat: f they want culvert removed and a wetland or stream restored, we
33 would help them with that!
34

35 **7. Staff, member and guest updates as needed.**

36 Mandigo noted that six MS4s (Burlington, Colchester, Essex, Essex Junction, Shelburne and South
37 Burlington) did submit the application to LC SeaGrant regarding MS4 regionalization efforts. They will
38 contribute hard cash match of \$5,000 each plus staff time for LCSG to hire a Fellow to explore potential
39 regionalization practices. Albrecht noted to read the minutes from our last meeting for details.
40

41 Lambert noted that comments are due soon on the draft 2023 Stormwater Manual Update. Check the GI
42 Roundtable listserv. Wheeler indicated that South Burlington might submit comments.
43

44 Wheeler noted, with regards to new MS4 permit recently issued but the DSS modeling still being down if a
45 project went from concept to implementation and treatment, but the drainage area or treatment practice
46 changed from the original Flow Restoration Plans, Emily Schelley just said to submit the new info to her (e.g.
47 CAD files) but full new re-dos of FRPs are not required.
48

49 In response to Albrecht, Dumm indicated she would circle back with Adopt-a-Drain stewards to maintain
50 momentum. We have 73 stewards so just shy of the goal of 75 stewards. She did receive some testimonials
51 back in May. Dougherty noted that the Town is now using ESRI "solutions" and includes Adopt-A-Drain.
52 That solution is free via your ESRI license and towns could save money.

1
2
3
4
5
6
7
8
9
10
11
12
13

Dougherty noted the upcoming Green Mountain Water Environment Federation Fall Trade Show on November 2nd which includes opportunities for certified continuing education credit hours

8. Agenda Items for November 7th meeting.

Barron will present on planned New Creative. We will also discuss the budget for FY25.

9. Adjournment

The meeting was adjourned by Mandigo at approximately 1:33 p.m.

Respectfully submitted, Dan Albrecht

DRAFT