



## **AGENDA**

### **Clean Water Advisory Committee**

**Thursday November 14<sup>th</sup> 4:00 – 6:00 PM**  
**Central Vermont Regional Planning Commission,**  
**29 Main St., Suite 4, Montpelier, VT**

- 4:00 PM: Welcome and Introductions  
Public Comments
- 4:05 PM: Changes to agenda
- 4:10 PM: Approval 9/12/19 minutes (enclosed)
- 4:15 PM: Approval 10/10/19 minutes (enclosed)
- 4:20 PM: Finalize CWAC Resolution Letter to Board (draft number 5 enclosed)
- 5:00 PM: Basin 14 Public Discussion Summary
- 5:15 PM: Design Implementation Block Grant (formerly Clean Water Block Grant)  
Applications
- 5:50 PM: Other Announcements
- 5:55 PM: Wrap-up. Next Meeting Date 12/12/19?

**CWAC Meeting Minutes**  
**DRAFT**  
**September 12, 2019**

**Present for the meeting:**

Joyce Manchester  
John Brabant  
Larry Becker  
Ron Krauth  
John Hoogenboom  
Stewart Clark  
Rich Turner  
Amy Hornblas (note taker and facilitator)

No public comment.

Corrections to the minutes from August 8<sup>th</sup> meeting:

- P.2, line 29: Add “Gianna informed the group that, at the present, water quality testing is complaint driven.”
- P. 2, line 31: delete “on pesticide recording” and replace with “concerning the lack of data reporting for pesticide use.”
- P. 3, line 14: continue sentence with “despite the lower contribution of storm water to the problem”

Minutes from 8/8/19 meeting were approved with corrections.

A follow-up discussion to the complaint-driven nature of water quality testing was had by the group, and the need for baseline measurements for constituents of concern was agreed on.

Discussion of the letter describing our concerns about the *Winooski River Basin Tactical Plan*:

- After trying to re-word the current version to make it clear, the group agreed that it should be a concise letter with only a few bulleted points.
- Should we do a Minority Report? We agreed we do not have the resources, but it is in the spirit of what we are working on.
- The finished *Basin Plan* is not reflective of what we found as we researched this topic over the past year. It leaves out pollutants such as pesticides and chemical fertilizers altogether.
- The letter should focus on our critique of the Basin Plan, not rely on its data to support our points.
- Eliminate the whole percentages portion, which was taken from the Basin Plan and is based on incomplete modeling.
- Start with a fresh framework and keep the letter as short as possible.

- Follow the KISS (Keep It Simple, Silly) policy.
- We discussed the fact that the CVRPC board will need to understand the letter, and we will need to back-up and explain whatever we put in it to them.
- The legacy of phosphorus in the lake was explained, and how even if we reduce it now, that will only encourage the leaching out of the historic layers down deep.
- We also discussed the fact that the high levels of phosphorus are due to the excessive use of chemical fertilizers, and they were not included in either the Basin Plan or the Required Agricultural Practices. Instead, the focus by the department of Ag. has been to come down hard on traditional farming instead. Traditional farming uses fertilizer produced on site, the very practice which is encouraged by the global community (including Greenpeace and others) as the solution to the phosphorus problem.
- We also discussed other ways the interventions are either useless, or too expensive for the pay-off that we will ever get from them.
- Some of the legacy phosphorus even comes naturally from the forest- should we begin chopping down trees? We need to think these things through more deeply, and look at the long-term effects our “solutions” can have.
- We agreed to do a little homework and compile another draft for the next meeting.
- A discussion of the Open Meeting Law and how it relates to our work was very informative. Selectboard members on the CWAC have been researching this for years and were able to clarify the law. We are allowed to discuss matters with others on the team outside of meetings, as long as there is not a quorum present. We are also allowed to do some work in the meantime, as long as decisions aren’t made, and our process is transparent to the public. To do so, Amy will keep a printed copy of the group emails concerning our letter draft and bring that printed version to the next meeting to be kept in the minutes and made public.

**Homework:** CWAC members are invited to write a couple of sentences supporting a point (or two) that we feel should be made in our letter. It can be a suggestion for an introduction or conclusion, or for the bulleted points we want to make. It should be a point you understand and can get behind. Amy will compile them and send out the “Draft in Progress” as we go along, to be discussed and voted on at our next meeting.

We adjourned the meeting at 5:30 pm.

**Next Meeting: October 10<sup>th</sup> from 4:00 – 6:00**

**CENTRAL VERMONT REGIONAL PLANNING COMMISSION  
CLEAN WATER ADVISORY COMMITTEE  
October 10, 2019  
Meeting Notes**

A meeting of the Central Vermont Regional Planning Commission's Clean Water Advisory Committee was held on October 10, 2019 in the Central Vermont Regional Planning Commission Office.

**Committee Members Present:**

Amy Hornblas – CWAC Chair, Cabot/Board of Commissioners  
John Hoogenboom – Moretown Selectboard  
Stewart Clark – Worcester Planning Commission  
Larry Becker- Middlesex Conservation Commission  
Dona Bate – Montpelier City Council

**Committee Members Absent:**

Michele Braun – Friends of Winooski River  
Karen Bates – ANR  
Corrie Miller – Friends of the Mad River  
Brian Shupe – Friends of the Mad River  
Gianna Petito - Winooski Natural Resources Conservation District  
Rich Turner – Williamstown Planning Commission/Board of Commissioners  
Ron Krauth – Middlesex/Board of Commissioners  
Russ Barrett – Northfield Conservation Commission  
Joyce Manchester – Moretown TAC  
John Brabant – Calais/Board of Commissioners

**Others Present:**

None.

**CALL TO ORDER**

Amy Hornblas called the meeting to order at 4:13 PM.

**PUBLIC COMMENTS**

None.

**CHANGES OR AMENDMENTS TO THE AGENDA**

Stewart – Can we make the letter discussion longer? Changed to go until 5:30. Act 76 discussion start at 5:30.

**APPROVAL OF SEPTEMBER 12 MINUTES**

No quorum so minutes could not be approved.

Larry just wanted to understand the comment regarding chemical fertilizers not being included in the plan. Amy mentioned that it is not included in the modeling as far as she could see.

**CWAC RESOLUTION LETTER TO BOARD (DRAFT NUMBER 4)**

Amy provided the group with an updated letter (included in these minutes)

Stew – we need to not have just two bullets.

John H. – reminded us of John B.'s comment to KISS (Keep it simple silly).

Amy – wants to have consensus on all the points before we would vote on it and not having many folks here may want to wait on this.

Stew – Power companies cutting of trees. John H. – his point is more about climate resilience and how cutting forests relates to that not as much specific to power companies. Act 76 will help to strengthen regulations and provide funding for it, including forestry management.

Stew – can we rewrite item #6 of the revised document to make it more related to climate change? John did give some changes to Amy, which she will incorporate.

Dona – don't use apologetic language.

Stew – don't want to call it resolution, call it concerns.

Pam – do you want to say Basin Plans in general or keep it to the Winooski?

Stew and Amy – since our region is mostly in the Winooski, we should keep it to that.

The group had a discussion of which introduction of the letter to use.

They decided to go with C for the introduction.

Change "C" third sentence to "The CWAC charge is to mitigate and enhance all aspects of water quality protection." Make this the second sentence and the sentence about the gaps be the third sentence.

Dona – can we add some clarifier to this sentence about the gaps, like significant.

John H. – change from "during the course of this review" to "our review revealed gaps"

Bullet #1

Stew – first bullet, change "recognize" to include.

John H – bullets do not have to be full sentences. The group simplified it. Make it in present tense.

Remove 2<sup>nd</sup> bullet

Remove the detail of the percentage of the agriculture load. Remove 1<sup>st</sup> sentence. Add an example.

Remove 4<sup>th</sup>, 5<sup>th</sup> 6<sup>th</sup> and 8<sup>th</sup> bullet points

Revised 7<sup>th</sup> bullet point.

#2 – Pam shared that Patti Casey told her that there 400 – 500 samples were monitored for Glyphosate and they found no trace of it in surface water or groundwater. Stew reiterated that it still contributes phosphorus to the soils which can then be eroded and transported to Lake Champlain.

Pam also mentioned that Jon Kim of VGS will be monitoring the interaction of phosphorus between surface water and ground water in Lake Carmi watershed.

Change "Actions" to "practices".

The bullets were edited to be clearer and more concise. Bullets # 2, #3, and #4 was removed.

Bullets can become the numbers instead of bullets under numbers for simplification.

Before the next meeting, Amy will draft a paired down simplified a new letter based on the discussed changes and will revise #3 through 7 with track changes.

Ron would like to include

## **ACT 76 AND CLEAN WATER SERVICE PROVIDERS**

Pam – Act 76 – Pam went over that the legislature passed a new act for the provision of water quality services.

## **OTHER ANNOUNCEMENTS**

Pam announced Basin 14 (Stevens-Waits-Wells-Ompompanoosuc) Tactical Basin Plan Kickoff meeting on Wednesday, November 13, 2019 at 4:30-6 PM Space on Main at 174 Main St. in Bradford, VT.

1 **SCHEDULE**

2 Next meeting November 14, 2019. Topic for next meeting - finalize letter and Act 76 if there is time.

3

4 Meeting adjourned at 6:09 pm.

*10/6/19: Following is a working draft for consideration at the next CWAC meeting. These suggestions for our letter were submitted by members of the CWAC, and have been compiled circulated by email. All suggestions remain as they were submitted, although members have been trying various ways of sorting them to make our decision making process easier. Aside from adjusting the order, changes made since the packet version of this draft are written in red.*

Proposed Introductions:

RE: **Resolution** Letter from CVRPC Clean Water Advisory Committee

RE: **Concerns** from CVRPC Clean Water Advisory Committee

- A. Members of the Central Vermont Regional Planning Commission (CVRPC) Clean Water Advisory Committee (CWAC) would like to present to the Board of Commissioners a resolution of the following concerns:
- B. In 2018/2019, The Clean Water Advisory Committee (CWAC) reviewed the Winooski River Tactical Basin Plan. During the course of this review gaps became apparent in water quality policies and practices. The CWAC charge is to address all aspects of water quality protection and enhancements. As the scope of water quality considerations is wide, at present, CWAC is concerned with the following:
- C. Members of the CVRPC Clean Water Advisory Committee (CWAC) would like to present the following concerns from our first year of work including items from our review of the Winooski Tactical Basin Plan.
- D. Items recommended for inclusion in the Winooski Technical Basin Plan that are omitted:

Proposed Bullets:

**1. The Winooski Basin Plan is incomplete and thus contributes to ill-informed allocation of funds to improve water quality**

- The Basin Plan set phosphorus load allocations and reduction targets for the Winooski River Basin but did not recognize the role of chemical fertilizers.
- Even without including the role of chemical fertilizers, the Basin Plan identifies agriculture as the sector with the largest phosphorus contribution at 48%.

### Unfair Burden Bullets:

- The largest contributor of phosphorus in the Winooski Basin is agriculture, with 48% of the loads. The CWAC is concerned that funding allocated among land use sectors for phosphorus mitigation is not proportional to phosphorus loading contributions.
- Water quality improvement policies and strategies are focused on some sectors that make smaller contributions to the phosphorus problem.
- The expenditure for phosphorous mitigation is not proportional to phosphorus loading contributions and can place an unfair burden on Municipalities.
- Expenditures for phosphorus mitigation to date have been skewed toward sectors with relatively small phosphorus loading contributions; for example, municipalities have been asked to tackle unstable river channels (9% contribution), unpaved roads (6% contribution) and sewage treatment plants (4% contribution).
- The CWAC would like to see expenditures roughly proportional to a sector's phosphorus loading contributions.
- To address higher phosphorous load contributions requires additional funding so as not to reduce funds already available to Municipalities.

### 2. Actions to reduce phosphorus may exacerbate other water quality problems, **use of glyphosate as an example:**

- Management practices aimed at reducing sediment runoff and phosphorus by using no-till methods may increase the use of Glyphosate (aka Roundup) and other pesticides that reduce water quality and may lead to ecosystem damage.
- Management practices that are aimed at reducing one type of pollution, such as phosphorous, may result in the use of products that negatively impact water quality or aquatic organisms. For example, the use of Glyphosate (Roundup), will continue to increase as farms use it as part of no-till practice, which is recommended to reduce phosphorus transport associated with sediment runoff. The CWAC advises caution regarding policies and practices with associated negative impact.
- Water quality policies and practices could increase other impacts and possible ecosystem damage through the use of pesticides such as Glyphosate (a.k.a. Roundup)
- Farm use of Glyphosate will continue to increase due to practices such as no till, which is encouraged to reduce sediment and phosphorus runoff.



### **3. Other Pesticide / Herbicide Concerns**

- Pesticides, neonicotinoids, remain and are re-cycled in surface water and groundwater as a significant contaminant threatening beneficial insects.
- The Statewide PFAS (including PFOA) contamination problem needs to be identified and described.
- Federal policies (subsidies) may encourage farmers to use nutrients, pesticides, herbicides, chemical fertilizers, and genetically modified seeds, none of which promote clean water.

### **4. Other phosphorous-related concerns:**

- Reducing phosphorous input to Lake Champlain, while important, will not be a unique solution to the Lake's phosphorous problem. Residual, legacy phosphorous incorporated in Lake sediments must be identified as a factor limiting phosphorous reduction in Lake waters.

### **5. . Groundwater Concerns**

- The interaction between ground water and surface water is not factored into surface water management strategies.
- Ground water quality and the interaction between groundwater and surface water is excluded from planning and strategies for surface water quality improvements.
- Groundwater quality and the interaction between groundwater and surface water is not factored into surface water management strategies. The CWAC recommends including the interaction of groundwater and surface water in the planning and strategies for surface water quality improvement.
- Homes in the CVRPC region are underlain by bedrock with varying chemical composition presenting varying radiologic hazard. 10% to 25% of homes sampled for airborne radon in our region have radon-levels that exceed the "safe" limit. (variation due to rock type) We advise additional testing of well water (groundwater) for radiological components in homes where significant airborne radon is present. We support active public education programs on this topic.

## **6. Commercial or infrastructure operations such as power companies may not always follow Accepted Management Practices (AMPs) when cutting trees.**

- The CWAC is concerned that commercial or infrastructure operations, such as power companies, may not always follow Accepted Management Practices (AMPs) when cutting trees. Additional outreach and, if necessary, enforcement actions may be needed. (

*Russ had some feedback about this item that he submitted before our last meeting:*

*I would like to recommend again that we remove item 4 from our letter to CVRPC. All commercial and infrastructure operations are presently required to comply with same AMP's as logging operations. Power companies, in particular WEC and GMP, have foresters on board to assure their operations comply with all State regulations. Simple call to these foresters should quickly resolve any noted infractions.*

## **7. Climate Change**

- Our changing climate is increasing precipitation intensity and volume. CVRPC needs to consider infrastructure changes to accommodate climate change effects as it plans for phosphorous mitigation in the Winooski Basin.
- Changing patterns of energy use promoted to lower release of CO2 will require support for a local economy including a shift to local small-farm agriculture. This action will provide better control of phosphorous release to surface waters.

### **Suggested Conclusions:**

The Chair and members of the CWAC would be happy to attend a meeting of the Central Vermont Regional Planning Commission to explain these concerns.....

November, 2019

RE: Concerns from CVRPC Clean Water Advisory Committee

In 2018/2019, The Clean Water Advisory Committee (CWAC) reviewed the Winooski River Tactical Basin Plan. The CWAC charge is to mitigate and enhance all aspects of water quality protection. Our review revealed significant gaps in water quality policies and practices. As the scope of water quality considerations is wide, at present, CWAC is concerned with the following:

1. The Winooski Basin Plan is incomplete and thus contributes to ill-informed allocation of funds to improve water quality.
  - For example, phosphorus load allocations and reduction targets do not include the role of chemical fertilizers.
2. Unfair Burden:
  - Funding allocated among land use sectors for phosphorus mitigation is not proportional to phosphorus loading contributions. For example, it places an unfair burden on Municipalities.
3. Practices to reduce sediment or phosphorus may exacerbate other water quality problems.
  - For example, no-till methods to decrease sediment may increase the use of Glyphosate (aka Roundup) and other pesticides that reduce water quality and may lead to ecosystem damage.
4. Other Pesticide / Herbicide Concerns are not included in the plan:
  - Pesticides, including neonicotinoids, remain and are re-cycled in surface water and groundwater as a significant contaminant threatening beneficial insects.
  - The Statewide PFAS (including PFOA) contamination problem needs to be identified and described.
5. Phosphorus reduction programs will not go far in reducing the problem:
  - Efforts to address phosphorus, such as the *Required Agricultural Practices*, address only manure, and do nothing about chemical fertilizers.
  - Reducing phosphorous input to Lake Champlain, while important, will not be a unique solution to the Lake's phosphorous problem. Residual, legacy phosphorous incorporated in Lake sediment must be identified as a factor limiting phosphorous reduction in Lake waters.

## 6. Groundwater Concerns

- Groundwater quality and the interaction between groundwater and surface water is not factored into surface water management strategies. The CWAC recommends including the interaction of groundwater and surface water in the planning and strategies for surface water quality improvement.

## 7. Solutions we support:

- Expenditures should be roughly proportional to a sector's phosphorus loading contributions and the potential benefits of the remediation. However, the modeling used to assess those contributions should include all sources, especially chemical phosphorus application.
- A shift to local small-farm agriculture will provide better control of phosphorous release to surface waters, and programs/policies should support this shift.

Thank you for assisting our efforts to address water quality concerns we feel are lacking in the river basin plans. These are issues we feel are in need of attention, and the CWAC would like to forward this letter to others. In order to do that, we need to present it to the CVRPC board of directors. The Chair and members of the CWAC are happy attend a meeting to explain these concerns.

Sincerely,

The CVRPC Clean Water Advisory Council

Amy Hornblas – Chair

John Hoogenboom – Moretown

Russ Barrett – Northfield

Gianna Petito – Winooski Natural Resources Conservation District

Ron Krauth – Middlesex

Stewart Clark – Worcester

Joyce Manchester – Moretown

John Brabant – Calais

Larry Becker – Middlesex

Dona Bate - Montpelier