



## AGENDA

### Clean Water Advisory Committee

Thursday December 12<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: Approval 11/14/19 minutes (enclosed)
- 4:25 PM: Vote on Final CWAC Resolution Letter to Board (enclosed)
- 4:35 PM: Act 76 & Clean Water Service Providers (Summary enclosed)
- 5:30 PM: Update on Design Implementation Block Grant Applications and Other  
Upcoming Grant Opportunities/Projects
- 5:50 PM: Other Announcements
- 5:55 PM: Wrap-up. Next Meeting Date 1/9/20?

## 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.

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

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

6 Dona – don't use apologetic language.

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

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

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

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

11 They decided to go with C for the introduction.

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

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

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

16  
17 Bullet #1

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

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

20 Remove 2<sup>nd</sup> bullet

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

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

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

24  
25 #2 – Pam shared that Patti Casey told her that there 400 – 500 samples were monitored for Glyphosate  
26 and they found no trace of it in surface water or groundwater. Stew reiterated that it still contributes  
27 phosphorus to the soils which can then be eroded and transported to Lake Champlain.

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

30  
31 Change "Actions" to "practices".

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

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

34  
35 Before the next meeting, Amy will draft a paired down simplified a new letter based on the discussed  
36 changes and will revise #3 through 7 with track changes.

37 Ron would like to include

### 38 39 **ACT 76 AND CLEAN WATER SERVICE PROVIDERS**

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

### 42 43 **OTHER ANNOUNCEMENTS**

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

46

47

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 an GMP, have foresters on board to assure their operations comply with all State regulations. Simple call to these foresters should quickly resolve any noted infrations.*

**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.....

## CENTRAL VERMONT REGIONAL PLANNING COMMISSION

## CLEAN WATER ADVISORY COMMITTEE

November 14, 2019

## Meeting Notes

A meeting of the Central Vermont Regional Planning Commission's Clean Water Advisory Committee was held on November 14, 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

Ron Krauth – Middlesex/Board of Commissioners

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

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 4:15 PM.

**PUBLIC COMMENTS**

The CWAC discussed lack of members coming and not making up a quorum. Pam mentioned that watershed groups are not coming and the committee may want to think about why. Pam mentioned one reason was the resolution letter not fitting into their missions. Amy offered to reach out to them.

**CHANGES OR AMENDMENTS TO THE AGENDA**

None. Will vote on minutes if John B. gets here.

**APPROVAL OF SEPTEMBER 12 MINUTES**

No quorum. Could not vote on minutes.

**APPROVAL OF OCTOBER 10 MINUTES**

No quorum. Could not vote on minutes.

**CWAC RESOLUTION LETTER TO BOARD (DRAFT NUMBER 5)**

Amy provided team with Joyce's comments. Make each point a declarative sentence.

Larry – change the word mitigate. We do not mitigate as a charge, we advise actions.

Stew – provided comments via email as well and went over his changes. He thought we should mention the unfair burden and that the greatest loading is not receiving the most funding.

- 1 Amy mentioned that Joyce had a comment related to the expenditures.  
2 John H. – just remove the unfair burden comment and make the bullet under #1 and make #3, #2. Make  
3 Stew’s comment on municipalities required to spend more be the third bullet.  
4 Pam mentioned that they may not want to have a blanket statement regarding municipalities. Some  
5 treatments are expensive AND have a significant reduction. Group decided that they could add “some”  
6 or “many” to the beginning of the statement so as not to say all treatments that municipalities do are not  
7 effective.  
8 For bullet under new #2, remove “for example”.  
9 Larry – can’t say that neonicotinoids is a “significant” contaminant and “threaten”. Not enough  
10 research on this yet. Reword.  
11 Amy mentioned that Joyce had a revision in bullet under #5.  
12 Get rid of the word concerns in #6.  
13 Make #7 say solutions. The content in #7 was discussed and revised.  
14 John H. – we really need to talk about stormwater more. Trees are key in terms of controlling  
15 stormwater.  
16 Pam mentioned that stormwater reduction is a strategy in the Basin Plan.  
17 John H. – we need stronger regulations for forestry practices to reduce stormwater runoff. Add that to  
18 the solutions.  
19 Dona – get rid of soft language. “we feel, etc.”  
20 The conclusion sentences were revised to be more.  
21 Spell Worcester correctly.  
22 Amy will send out a revised letter for voting next time when we have quorum to vote.  
23  
24 Could not vote on letter due to no quorum.  
25

### **BASIN 14 PUBLIC DISCUSSION SUMMARY**

26 Pam went over the Basin 14 basin plan kickoff meeting that happened the previous night in Bradford  
27 that was viewed at CVRPC and will share the presentation with the committee.  
28  
29

### **DESIGN IMPLEMENTATION BLOCK GRANTS**

30 Pam went over the block grants they are currently writing for this block grant program:  
31 Calais Post Office, Moscow Woods Gully, Woodbury Fire Station/Post Office, and Church Street in  
32 Woodbury. She mentioned that Gianna of WNRCD is working with Morse Farm to get some  
33 stormwater and livestock exclusion assistance there and that Duxbury would also like a block grant for  
34 one of their road projects in the SWMP.  
35  
36

### **OTHER ANNOUNCEMENTS**

37 None.  
38  
39

### **SCHEDULE**

40 Next meeting December 12, 2019. Topic for next meeting - letter vote and Act 76.  
41  
42

43 Meeting adjourned at 6:02 pm.

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 and found 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.
  - Phosphorus load allocations and reduction targets do not include the role of chemical fertilizers.
  - Funding allocated among land use sectors for phosphorus mitigation is not proportional to phosphorus loading contributions.
  - Many municipalities are required to spend more on technological infrastructure to create small changes in loading.
2. Practices to reduce sediment or phosphorus may exacerbate other water quality problems.
  - No-till methods to decrease sediment runoff may increase the use of Glyphosate (aka Roundup) and other pesticides that reduce water quality and may lead to ecosystem damage.
3. Other Pesticide / Herbicide Concerns are not included in the plan:
  - Pesticides, including neonicotinoids, remain and are re-cycled in surface water and groundwater, and are potential threats to beneficial insects.
  - The Statewide PFAS (including PFOA) contamination problem needs to be identified and described.
4. 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 by itself solve the Lake's phosphorous problem. Residual, legacy phosphorous incorporated in lake sediment must be identified as a factor limiting phosphorous reduction in lake waters.

## 5. Groundwater:

- 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:

- 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.
- Greater funding needed where phosphorus loading is greatest.
- Strengthen heavy forest cutting regulations to reduce storm water runoff.

Thank you for assisting our efforts to address water quality concerns we feel are lacking in the river basin plans. The CWAC would like to forward this letter to others. The Chair and members of the CWAC are available to meet to explain these concerns. Thank you for your assistance.

Sincerely,  
The CVRPC Clean Water Advisory Council

Dona Bate - Montpelier  
Russ Barrett – Northfield  
Larry Becker – Middlesex  
John Brabant – Calais  
Stewart Clark – ~~Worcester~~[Worcester](#)  
John Hoogenboom – Moretown  
Amy Hornblas – Chair  
Ron Krauth – Middlesex  
Joyce Manchester – Moretown

Act No. 76  
2019

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This act summary is provided for the convenience of the public and members of the General Assembly. It is intended to provide a general summary of the act and may not be exhaustive. It has been prepared by the staff of the Office of Legislative Council without input from members of the General Assembly. It is not intended to aid in the interpretation of legislation or to serve as a source of legislative intent.

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**Act No. 76 (S.96). Conservation and land development; water quality; funding; water quality services**

**An act relating to the provision of water quality services**

This act establishes a long-term funding source for water quality programs and amends how clean water projects are implemented, administered, and funded. Under the act, six percent of revenues from the meals and rooms taxes are deposited into the Clean Water Fund. The percentage of the rooms and meals tax dedicated to the General Fund is reduced by six percent.

The act establishes a mechanism for delivery of water quality services in impaired waters. The Agency of Natural Resources (ANR) shall designate by rule an entity, known as a clean water service provider, to be responsible for identification, design, construction, operation, and maintenance of clean water projects in a basin of an impaired water. A provider shall maintain clean water projects for at least the design life of each project. Each provider shall establish a basin water quality council to establish policy and make project decisions. ANR shall assign a provider for Lake Champlain and Lake Memphremagaog by November 1, 2020. ANR shall assign providers for other impaired waters six months prior to scheduled pollution allocations.

After a water is listed as impaired, ANR shall, as part of the cleanup plan for the water, evaluate whether existing regulatory programs will achieve water quality standards in the water. If existing programs will not achieve water quality standards, ANR shall determine the amount of additional pollutant reduction necessary to achieve water quality standards. ANR shall allocate to each clean water service provider for that water an amount of pollution reduction the provider shall be responsible for achieving. The allocations shall be expressed in annual pollution reduction goals and five-year pollution reduction targets.

ANR shall establish a methodology for establishing the standard cost per unit of pollutant reduction. The standard cost shall include the costs of project identification, design, and construction. ANR also shall publish methodologies for establishing the design life of a project and for calculating pollution reduction values for a clean water project in that water. ANR shall conduct the pollution reduction and standard costs analyses for Lake Champlain by November 1, 2021 and for Lake Memphremagag by November 1, 2022. For all other impaired waters, ANR shall adopt an implementation schedule by November 1, 2023.

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2019

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A clean water service provider shall report annually to ANR regarding implementation of clean water projects and compliance with pollution reduction allocations. If a clean water service provider fails to meet its allocated reduction goals or its five-year target or fails to maintain previously implemented clean water projects, ANR shall take appropriate steps to hold the provider accountable, including entering a compliance plan or designating an alternate provider.

The act establishes four new grant programs to fund water quality programs in the State. The Water Quality Restoration Formula Grant Program provides grants to clean water service providers to meet the pollution reduction requirements. The Water Quality Enhancement Grant Program funds projects that protect high quality waters, maintain or improve water quality in all waters, restore degraded or stressed waters, create resilient watersheds communities, and promote the public use and enjoyment of waters. The Developed Lands Implementation Grant Program provides grants to persons who are required to obtain a three-acre impervious surface permit. The Municipal Stormwater Assistance Grant Program provides grants to municipalities to implement a municipal roads general permit, MS4 permit, or a three-acre impervious surface permit.

The act adds a finding that success in implementing the Clean Water Initiative will depend on sustained and adequate funding to support implementation, including committing to annual appropriations of between \$50 and \$60 million. The act also clarifies that when making recommendations for appropriations from the Clean Water Fund, the Clean Water Fund shall make its recommendations according to established priorities. In addition, the Board shall make funding recommendations for water quality programs and projects to be funded from capital appropriations, not from the Clean Water Fund.

The act amends the priorities for the Clean Water Board's recommended appropriations from the Clean Water Fund. First and equal priority shall be given to: grants to clean water service providers to fund costs associated with clean water projects; agricultural water quality programs; the Water Quality Enhancement Grant Program, at a funding level of at least 20 percent of the Clean Water Fund, with a \$5 million annual maximum; funding to partners for basin planning of at least \$500,000.00 annually. As a second priority, the Board shall recommend funding for programs or projects to address riparian conditions; funding for education, outreach, demonstration, and water quality practices on logging jobs; and funding for the Municipal Stormwater Assistance Grant. Third priority shall be funding for the Developed Lands Implementation Grant Program.

The act also clarifies the authority of natural resource conservation districts and regional planning commissions to act as clean water service providers. It requires ANR to report to the General Assembly with recommendation for implementing a market-based mechanism that allows the purchase of water quality credits by water quality and other entities. The act requires ANR to convene a Land and Water Conservation Study Stakeholder Group to develop a

Act No. 76  
2019

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recommended framework for statewide land conservation. Last, the act requires the Secretary of Administration to report to the General Assembly regarding administration and funding of water quality projects on farms.

Multiple effective dates, beginning on July 1, 2019