



AGENDA

Clean Water Advisory Committee

Thursday May 14th 4:00 – 6:00 PM

Central Vermont Regional Planning Commission

29 Main St., Suite 4, Montpelier, VT

REMOTE ZOOM MEETING via computer, smartphone, or dial-in:

<https://us02web.zoom.us/j/84296012981?pwd=T3YzMnJBOWVGMUpEMlcxV3JHbStuZz09>

Meeting ID: 842 9601 2981

Password: 100057

Dial in option by phone +1 (929) 436-2866

- 4:00 PM: Welcome and Introductions
Public Comments
- 4:05 PM: Changes to agenda
- 4:10 PM: Vermont Groundwater Monitoring Program - Guest Speaker – Jon Kim, Vermont Geological Survey
- 5:00 PM: Approval 4/9/20 minutes (enclosed)
- 5:05 PM: Suggested CWAC Letter Revisions by Executive Committee (enclosed) – Pam DeAndrea
- 5:25 PM: CWAC Rules of Procedure Revision Discussion – Pam DeAndrea
- 5:50 PM: Other Announcements?
- 5:55 PM: Wrap-up. Next Meeting Date 6/11/20. Comments on Basin 14 Tactical Basin Plan.

Persons with disabilities who require assistance or special arrangements to participate in programs or activities are encouraged to contact Nancy Chartrand

at 802-229-0389 or chartrand@cvregion.com at least 3 business days prior to the meeting for which services are requested.

1 **CENTRAL VERMONT REGIONAL PLANNING COMMISSION**
2 **CLEAN WATER ADVISORY COMMITTEE**
3 **April 9, 2020**

4
5 A meeting of the Central Vermont Regional Planning Commission's Clean Water Advisory
6 Committee was held remotely on April 9, 2020 via GoTo Meeting due to the COVID-19 pandemic
7 and adhering to social distancing guidelines by the State of Vermont.

8
9 Committee Members Present:

10 Amy Hornblas – CWAC Chair, Cabot/Board of Commissioners
11 Larry Becker- Middlesex Conservation Commission
12 John Hoogenboom – Moretown Selectboard (on phone)
13 Joyce Manchester – Moretown TAC (on phone)
14 Russ Barrett – Northfield Conservation Commission
15 Ron Krauth – Middlesex/Board of Commissioners
16 John Brabant – Calais/Board of Commissioners
17 Dona Bate – Montpelier City Council

18
19 Committee Members Absent:

20 Rich Turner – Williamstown Planning Commission/Board of Commissioners
21 Stewart Clark – Worcester Planning Commission
22 Michele Braun – Friends of Winooski River
23 Karen Bates – ANR
24 Corrie Miller – Friends of the Mad River
25 Brian Shupe – Friends of the Mad River
26 Gianna Petito - Winooski Natural Resources Conservation District

27
28 Others Present:

29 CVRPC Staff: Pam DeAndrea

30
31 **CALL TO ORDER**

32 Amy Hornblas called the meeting to order at 4:03 PM.

33
34 **PUBLIC COMMENTS**

35 None.

36
37 **CHANGES OR AMENDMENTS TO THE AGENDA**

38 None.

39 **APPROVAL OF FEBRUARY 13 MINUTES**

40 John H. made a motion to approve minutes. Dona seconded. Ron abstained. Motion carried.

41
42 **APPROVAL OF MARCH 12 MINUTES**

43 Amy made a motion to approve minutes. Dona seconded. Ron abstained. Motion carried.

44

1 **CWAC LETTER STAFF REVISION – Amy Hornblas, Chair and Pam DeAndrea**

2 No Quorum. Remove the word heavy on page 2 Number 2, recommendations, under policies and
3 regulation – needed to add in the word “heavy” instead of “all”.to make those

4
5 Russ – from someone from the forestry community reading it. Sounds like we don’t know what
6 we are talking about. Anyone under 40 acres, does not need an intent to cut. Department of
7 Forests, Parks and Rec. We really need to contact a forester to provide us with the right
8 information. It is the legislature that would change the regulation not FPR.

9 Dona – we should not go into more detail with this.

10 Amy – Suggested that Russ and John work on a revision for the next meeting?

11 John H. – That would be ok but it would delay us.

12 John B. – This is implying that there is no regulation on lots that have acreage on less than 40
13 acres. Current use has oversight regulations and so do Forest Blocks. Generalization is not fully
14 accurate. Maybe we should add into the comment those properties that are in current use.

15 Amy – John H. if we cut this from the letter, would you still vote for it?

16 John H. – I could be agreeable to that. Has been witnessed to a landowner clear cutting an area
17 and caused significant erosion. Now that we have larger storms, we have more issues.

18 Landowners are not following AMPs.

19 Russ- it’s a complaint-based system, so if no one complains, it doesn’t get addressed.

20 John B. – That is the case with all environmental regulations.

21 Amy – Propose that we cut that number 2. John H made a motion. Russ seconded. Motion
22 carried.

23 John Brabant made a motion that we pass the letter as amended. Dona seconded. Motion
24 carried.

25
26 **CWAC RULES OF PROCEDURE REVISION**

27 Talked about revising the voting membership of the following organizations: WNRCD, FMR,
28 FWR. They are not attending. We would keep them as members so as to encourage them to keep
29 coming to our meetings, but make them non-voting so it would not hinder conducting business.
30 That would leave 9 voting members.

31
32 Larry – would want the advisory role to be changed to remove the “where possible” from
33 science-based.

34 Dona, John B. and Ron thought we should leave it in since it gives a little flexibility if there is
35 not hard evidence for the advisory.

36 John H. – Should we just remove the second and third sentences under advisory role? John H.
37 move that we remove these sentences, Dona seconded. Motion carried.

38 Dona made a motion to revise the memberships of the three organizations WNRCD, FMR, and
39 FWR become non-voting members and to add the word “voting” to members in the first sentence
40 under attendance and quorum. Amy seconded. Motion carried.

41
42 **OTHER ANNOUNCEMENTS**

43 CWSP Proposal update. Pam informed the committee that the Executive committee approved for
44 CVRPC to submit a proposal. Pam will share proposal with CWAC when it is ready and invite
45 them to another meeting for the end of April most likely.

46

1 **SCHEDULE**

2 Next meeting is scheduled for May 14. Basin 14 TBP review and comment. Will need to look
3 through the Basin Plan prior to the meeting and provide comments to be incorporated into
4 comments to ANR.

5 Do you still want Jon Kim from VGS remotely to do a presentation remotely? The consensus
6 was yes. Pam will reach out to Jon and see if he can do that and ask if he can send his
7 presentation ahead of time.

8
9 Amy will reach out to Stew to see how he is.

10
11 Meeting adjourned at 5: 15 pm.





April 9, 2020

Mr. Peter Walke, Commissioner
Vermont Agency of Natural Resources
Department of Environmental Conservation
One National Life Drive
Montpelier, VT 05602

Re: Water quality program recommendations

Dear Commissioner Walke,

The Central Vermont Regional Planning Commission (CVRPC) is sending this letter as a follow up to the final adoption of the *Winooski River Tactical Basin Plan*, *for* which the CVRPC reviewed and provided comments and recommendations in 2018.

We would like to express our deep appreciation and recognition for the Department of Environmental Conservation (DEC) staff, especially Basin Planner Karen Bates, in their hard work and commitment to addressing water quality improvement in the waters of Vermont. We also appreciate that some of our comments were incorporated into the basin plan during the plan's development. The purpose of this letter is to highlight issues brought to our attention from our Clean Water Advisory Committee (CWAC) and provide recommendations on water quality issues not addressed in the final *Winooski River Tactical Basin Plan*: Total Maximum Daily Load (TMDL) for phosphorus; clean water funding; and certain state regulations that dictate water quality protection.

Phosphorus load allocations:

1. Phosphorus Load allocations and reduction targets in the TMDL for phosphorus in Lake Champlain do not include the role of chemical fertilizers.

Recommendation: In future TMDL modeling, include the role of chemical fertilizer application to estimate phosphorus loading.

2. Residual, legacy phosphorous incorporated in lake sediment does not appear to be identified as a factor limiting phosphorous reduction in the TMDL for phosphorus in Lake Champlain.

Recommendation: In future TMDL modeling, include the reintroduction of phosphorus through lake sediments to estimate phosphorus loading.

Agriculture:

1. Recommended agricultural practices to reduce sediment or phosphorus may exacerbate other water quality problems. No-till methods to decrease sediment runoff may increase the use of

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Glyphosate (aka Roundup) and other pesticides that reduce water quality and may lead to ecosystem damage and possibly contribute to phosphorus loading. Research in the Maumee River Watershed is showing how no-till and Glyphosate use may actually be increasing dissolved phosphorus loading to Lake Erie: [Article on No-Till Research by University of Arkansas](#); [Article on Ohio Northern University Research on Glyphosate](#).

Recommendations: Vermont Agency of Agriculture, Food and Markets (VAAFAM) include reduction of use of glyphosate in recommended agricultural practices. VAAFAM and DEC coordinate to conduct more extensive monitoring of Glyphosate in groundwater and surface water in and nearby agricultural fields in the Winooski Basin. VAAFAM conduct research on links of no-till and glyphosate use to phosphorus loading and explore other ways to prevent farm field erosion aside from no-till.

2. Pesticides, including neonicotinoids, remain and are re-cycled in surface water and groundwater, and are potential threats to beneficial insects.

Recommendations: DEC include reduction of neonicotinoids use in the Vermont Surface Water Management Strategy. VAAFAM and DEC coordinate to conduct more extensive monitoring of pesticides and herbicides (including neonicotinoids) in groundwater and surface water in and nearby agricultural fields in the Winooski Basin.

3. Regulatory efforts to address phosphorus, such as the *Required Agricultural Practices*, do not focus sufficient attention on chemical fertilizers.

Recommendation: VAAFAM update the *Required Agricultural Practices* for farms to include the reduction of the use of chemical fertilizers.

Policies and regulation:

1. In regards to the Municipal Roads General Permit (MRGP), municipalities are required to spend funding and resources on road best management practices which result in small phosphorus load reductions compared to other sectors.

Recommendation: Allow municipalities more leeway with which road segments need to be addressed and when. The DEC should reassess permit requirements based on effectiveness of the road best management practices.

2. Agriculture policies do not appear to encourage small-farm agriculture, which can lead to phosphorus loading on a larger scale from large farms.

Recommendation: VAAFAM should create policy incentives to shift from large-scale farming operations to local small-farm agriculture to better control phosphorus loading from larger farms.

Water quality monitoring:

1. Response to potential statewide PFAS (including PFOA) contamination does not appear to be included in the Vermont Surface Water Management Strategy (VSWMS).

Commented [BW1]: Exec Com expressed that CWAC's intent was not clear. For instance, were the BMPs generally not effective or not effective for phosphorus? Exec recommended providing more explanation. How does this related to the challenge CWAC would like addressed?

Recommendations: Incorporate PFOAs into the (VSWMS). DEC conduct statewide monitoring for PFOAs in groundwater and surface water to protect water quality and public health.

2. In the Phosphorus TMDL and the Winooski Tactical Basin Plan, groundwater quality and the interaction between groundwater and surface water does not appear to be factored into the understanding of phosphorus loading to Lake Champlain.

Recommendation: The DEC and the VGS expand monitoring and research on the interaction of phosphorus exchange in groundwater and surface water and incorporate these results in the VSWMS and basin planning efforts.

Thank you for the opportunity to present this letter to you. We look forward to working with ANR in the future on the development of Tactical Basin Plans and their implementation and other related projects.

Sincerely,

Laura Hill-Eubanks, Chair
Central Vermont Regional Planning Commission

CC: Laura DiPietro, Vermont Agency of Agriculture, Food, and Markets
Rick Levey, Watershed Management Division



CLEAN WATER ADVISORY COMMITTEE (CWAC) *RULES OF PROCEDURE*

PURPOSE: To oversee the Central Vermont Regional Planning Commission's (CVRPC) water quality planning program in accordance with CVRPC plans, policies, and procedures, to act as a liaison between local communities and the Vermont Agency of Natural Resources (ANR), and to provide local and regional input regarding water quality issues important to the region.

GENERAL ACTIVITIES:

1. Oversee programming related to the CVRPC's assistance to ANR with basin planning and surface water management, including but not limited to:
 - a. Development of tactical basin plans.
 - b. Technical assistance and data collection activities, including information from watershed organizations, to inform municipal officials and the State in making water quality investment decisions.
 - c. Coordinating municipal planning and adoption or implementation of municipal development regulations to meet State water quality policies and investment priorities.
 - d. Implementing a project evaluation process to prioritize water quality improvement projects within the region to assure cost effective use of State and federal funds.
 - e. Guidance for project prioritization for submittal of grant applications for water quality improvement or planning projects.
2. Undertake water quality related technical assistance and policy activities and coordinate activities with the Transportation Advisory Committee including but not limited to activities related to implementation of Municipal Roads Stormwater General Permits.
3. Participate in special studies conducted by the CVRPC.
4. Provide input and policy recommendations to the Board of Commissioners regarding pertinent water quality issues, including review of State plans, policies, and legislation.

ADVISORY ROLE: The CWAC shall be advisory to the Board of Commissioners. ~~The advice of this committee should, where possible, be science based, not opinion, whim, or personal attitude. At the very minimum the advice shall not be contrary to research based water quality and water process facts.~~ The CWAC will offer advice and input to ANR and other organizations and individuals as appropriate,

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provided it is compatible with plans, policies, positions or resolutions adopted by the Board of Commissioners. CWAC advice and input may be reviewed, confirmed or reversed by the CVRPC Board of Commissioners at the Board's discretion. New or amended plans, policies, positions or resolutions shall be ratified/approved by the Board of Commissioners.

MEMBERSHIP: The Chair of the CWAC shall be a CWAC member elected by the CWAC or appointed by the Chair of the CVRPC. There shall be up to 13 members with [9 voting members with](#) representation as follows:

- 3 CVRPC Commissioners and 1 Alternate
- 5 Representatives of the region's municipalities
- 1 Representative of the Vermont Agency of Natural Resources (ex-officio, non-voting)
- 1 Representative of the Winooski Natural Resource Conservation District (ex-officio, non-voting)
- 1 Representative of the Friends of the Winooski River (ex-officio, non-voting)
- 1 Representative of the Friends of the Mad River (ex-officio, non-voting)
- 1 Interested stakeholder

For organizations, the organization may appoint its representative and may send an alternate as needed by the organization. Alternates may vote when an appointed representative is unable to make the meeting.

The CVRPC Board of Commissioners will make initial appointments to one and two year terms to create staggered terms. Membership term shall be two years thereafter. Appointments not associated with a named group above will be appointed by the CVRPC Board of Commissioners.

ATTENDANCE AND QUORUMS: A quorum shall consist of a majority of [voting](#) members (51%). Members are encouraged to attend all regular meetings and special meetings as they arise. Members with three consecutive unexplained absences will be contacted by the Chair to determine if they still wish to serve on the CWAC. The CWAC shall meet at least eight (8) times per year, or as determined by the Chair to be necessary to carry out the stated purpose.

COMMUNICATION, COORDINATION, AND EXPECTATIONS:

- Meetings shall be noticed and held in accordance with Vermont Open Meeting Law.
- Draft policies and resolutions shall be forwarded to CWAC members and interested/affected parties for comment before action by the CWAC, or final action/approval by the Board of Commissioners.
- Committee membership brings the expectation of active involvement outside of meeting time. CWAC members are expected to review shared materials in advance of meetings and to become knowledgeable concerning background facts and information regarding issues to be discussed.
- Minutes of all regular and special meetings will be prepared by staff, distributed to CWAC members and interested parties, and made available to the public in accordance with open meeting and public records laws described in 1 V.S.A.
- CWAC members are encouraged to serve as liaisons to their local legislative boards by facilitating

communication and coordination on a regular basis.

- CWAC members are encouraged to offer input on all matters before the CWAC, and are encouraged to bring up items of local or regional concern for CWAC consideration.

CONFLICT OF INTEREST: In the event any CWAC member has a personal or financial interest with any individual, partnership, firm or corporation seeking to contract with the CVRPC, or to provide materials or labor thereto, or has a personal or financial interest in any project being considered by the CWAC, the member shall state on the record the nature of his or her interest. If the member feels this conflict interferes with his/her ability to be objective, the member shall not participate in any vote on any related motion. If the member is uncertain whether he/she should participate in the decision, the CWAC shall determine by vote whether the member should participate.

The Committee may also make a determination of conflict of interest and disallow voting by a member if the majority of voting Committee members in attendance at the meeting determine a conflict of interest exists.

ADOPTION OF ORGANIZATIONAL PROCEDURES: The CWAC may, at any time, vote to amend these procedures, upon 51% vote of the CWAC membership. Proposed amendments will be forwarded to CWAC members, chairs of local legislative boards, and interested parties before consideration at a regular CWAC meeting. Amendments will then be forwarded to the Board of Commissioners for ratification.

The CWAC is a special committee of the Regional Planning Commission, and is therefore subject to the Commission's bylaws. These Rules of Procedure, combined with Robert's Rules of Order, provide procedural and administrative guidance for the CWAC.

Recommended by the Clean Water Advisory Committee: 06/08/18

Adopted by the Board of Commissioners: 07/10/18

Julie Potter, Chair
CVRPC Board of Commissioners