

1 **CENTRAL VERMONT REGIONAL PLANNING COMMISSION**
2 **CLEAN WATER ADVISORY COMMITTEE**
3 **October 8, 2020**

4
5 A meeting of the Central Vermont Regional Planning Commission's Clean Water Advisory
6 Committee was held remotely on October 8, 2020 via GoToMeeting due to the COVID-19
7 pandemic 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 (on phone)

11 Dona Bate – Montpelier City Council

12 Larry Becker- Middlesex Conservation Commission

13 Joyce Manchester – Moretown TAC

14 Ron Krauth – Middlesex/Board of Commissioners

15 Russ Barrett – Northfield Conservation Commission

16 John Brabant – Calais/Board of Commissioners

17 Rich Turner – Williamstown Planning Commission/Board of Commissioners

18 John Hoogenboom – Moretown Selectboard

19
20 Committee Members Absent:

21 Stewart Clark – Worcester Planning Commission

22 Michele Braun – Friends of Winooski River

23 Corrie Miller – Friends of the Mad River

24 Brian Shupe – Friends of the Mad River

25 Gianna Petito - Winooski Natural Resources Conservation District

26 Karen Bates – ANR

27
28 Others Present:

29 CVRPC Staff: Pam DeAndrea, Bonnie Waninger

30
31 **CALL TO ORDER**

32 Pam DeAndrea called the meeting to order at 4:05 PM.

33
34 **PUBLIC COMMENTS**

35 None.

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

38 None.

39 **APPROVAL OF MAY 14 MINUTES**

40 Ron motioned to approve minutes as amended at last meeting. Larry seconded. Motion carried.

41
42 **APPROVAL OF JUNE 11 MINUTES**

43 Dona made a motion to accept minutes. Russ Barrett seconded. Motion carried.

44

1 **DRAFT ANR RULE FOR CWSPs – Bonnie Waninger, Executive Director CVRPC**

2 Bonnie gave an overview of the CWSP program. ANR released an RFP for CWSPs. CVRPC
3 submitted a proposal for the Winooski. We are proposed, but we are not officially appointed yet.

4
5 ANR has invited CVRPC to participate in the advisory committee.

6
7 The advisory committee will take that rule to the rule making committee.

8
9 The rule is broken up into a few sections. Describes the rule and has guidance with it.
10 Guidance is supplemental. Advisory committee has been inputting on what should be rule and
11 what should be guidance.

12
13 Moves into BWQC discussion. Describes the relationship with the CWSP and the BWQC.
14 Conflict of interest has been a big discussion. For instance, a group may be part of the CWSP or
15 BWQC, may also be putting in for projects. A process for addressing conflict of interest is
16 included.

17
18 We don't have the time to go through the whole rule item by item.

19
20 John B. – we are going to be the CWSP for the whole Winooski?

21 Bonnie - Yes. We will get support from CCRPC. CWSP work is non-regulatory and most
22 CCRPC towns are MS4s so they do not anticipate a lot of projects.

23 John B. – are we going to be using exiting staff? And CWAC members?

24 Bonnie - Yes. Pam will be the project person. Grace will be the CWSP person to handle the
25 BWQC and the administration of the program with Bonnie's oversight. We are setting up
26 internally some separation to address conflict of interest.

27
28 Larry – There is no mention of technical expertise of the CWSP in terms of the rule. An
29 organization has to make the case to show they are qualified but the rule does not reflect that.

30 Bonnie – ANR released an RFP and anyone was allowed to apply and they asked for specific
31 qualifications for a CWSP. The rule is now reflecting who submitted proposals. CVRPC put in
32 their proposal that they would solicit a request for qualifications for organizations to do certain
33 roles as part of the CWSP requirements, such as Operations and Maintenance. CVRPC showed
34 their skill set and where we would hire out the skills needed.

35 Larry – is it in CVRPC's interest to clarify this in the rule?

36 Bonnie – ANR would say the rule is not the place for that most likely.

37 Joyce – seems like two separate steps – first you set up the CWSP, then you set up the rules for
38 the CWSP.

39 Bonnie will take this to the next CWSP advisory committee meeting.

40
41 Bonnie – Joyce sent some comments on Maintenance section – is the pollution reduction value a
42 fixed amount per year or a fixed amount over the life of the project? This has not yet been
43 determined. It may depend on the type of project.

44 If so, is it possible that the earlier projects will be the easier ones and the later ones will have
45 more reduction? Yes, that could happen. ANR will step up the reduction over the years. If what

1 evolves in later years does not work, we will have the option to step out of the contract. The
2 program has a lot of trust associated with it.

3 Joyce – the grant formula may be too simple and is worrisome as it could be much more
4 complicated.

5 Bonnie – Money timing may be an issue.

6 John B. – Who approves the project – BWQC or CWSP?

7 Bonnie – BWQC prioritizes projects. Then CWSP would fund the priorities. The CWSP will
8 have to work with the BWQC to ensure there are for the flow of the projects.

9 ANR will advance funds. They will put a certain amount at beginning and then put in more. If
10 the legislative allocation is reduced, then they can close down the project.

11 CVRPC will have to figure out the money flow for projects along the way.

12 If we have money left at the end of the year then you don't get as much the next time. ANR has
13 been told it probably won't work that way.

14 The ANR attorney is driving this rule.

15

16 Dona – can we take some of John's comments and put it in writing?

17 Bonnie – no it's not in the rule. The place that we can have that discussion is during the contract
18 negotiations.

19 Dona – when Joyce was talking about the low hanging fruit, is there a way to insert weight of the
20 projects that get a bigger reduction?

21 Bonnie – if a project costs less than the standard cost, then we can invest into other projects.

22 Joyce - can you invest in future years?

23 Bonnie – Theoretically yes, but they only give you a certain amount for a quarter. Yes, you can
24 hold money. Cannot use money for other uses.

25

26 Larry – what projects take 3 months? Even a small project would even be difficult to pull off in a
27 cash flow perspective.

28 Bonnie – ANR will come to realize that the construction season is so short and we will need a
29 bank of cash to make things happen. We may need to do a line of credit.

30 Joyce – will construction season allow for use of the risk reserve funds?

31 Bonnie – if there is a destructive event like Irene, thus reserve may need to be accessed. They do
32 not have full approval on this yet though.

33 Joyce had a question about the standard costs and administration not exceeding 15%. Need to
34 have to balance the project load of design and construction.

35 Joyce – is the 15% for the project as a whole or what?

36 Bonnie – if the CWSP gets \$400,000, no more than \$60,000 can be used for administration.

37 Joyce – it does mean that if we have a disaster, we cannot pay more.

38 Bonnie – can ask for an emergency exception, but it does not allow for this. We will probably
39 take a loss. Along the way we will need to manage that loss.

40 Project development is fundable. But does not control pollution, so construction projects will
41 need to make up for that.

42

43 Larry – if this goes through, this will be more than a FTE effort. But 15% will not cover that.
44 Can you ever really catch up if it will be more than an FTE's work?

45 Bonnie - The \$400,000 was a guess, but the \$ depends on the pollution reduction. The ANR has
46 said that it will probably vary from \$100,000 to \$1,000,000. Is 15% enough? It is better than

1 10%, which is where we started. The contract \$ will not come until FY22. They were offering us
2 a separate part of start-up money, but have not heard yet when or what that will be. Start up
3 funds may come at the same time that the rule is made that we are the CWSP. We need to use
4 our TBP money for CWSP start-up before we are actually a CWSP. The CWAC may not be
5 able to meet as often as a result.

6
7 John B. – read from rule the make-up of BWQC – Is it the CWAC that recommends the names
8 for the BWQC or how does that work?

9 Bonnie – Statute does not recognize the transition from the CWAC to the BWQC. There are 4
10 RPCs. Chittenden County town will want a seat. Bonnie may write a letter to all municipalities to
11 have them nominate a person for the BWQC. There is no set process.

12 John B. – if there is competition, the CWSP would make that decision.

13 Bonnie – there has been discussion that if your RPC is the CWSP, then you are not on the
14 BWQC. This will probably be defined in the guidance.

15 John B. – Since the CWSP needs to pick the BWQC, the CWAC could maybe advise the
16 appointments.

17 Bonnie – WUV will be determining who constitutes a local watershed group and who would take
18 those seats. ANR has allowed WUV to play this role. CVRPC will probably just play a role in
19 the municipal seats.

20
21 Joyce – was surprised that there was a maximum for 4 years.

22 Bonnie – there is a lot of interest in sitting on the council and this provides some rotation.

23 Other Joyce questions - Competitive bidding process – what if we can't get 3 bids? It says we
24 have to solicit so if we ask for 3 and get 1, that is fine.

25 Pollution reduction credit question - Bonnie – can use additional formula grant to fix a practice
26 that may not work.

27 Bonnie – need to create leftover money to fix things if needed. The CWSP will need to
28 encourage the other groups to find those projects that have large reductions and landowner
29 willingness. This will take time as it did with VTrans.

30
31 Ron – How do we decide what is feasible in terms of pollution reduction? Is it technically
32 feasible to do this?

33 Larry – that goes to my original comment, those doing this will need some technical expertise to
34 make sure this will work.

35 Bonnie – The ANR will provide the expertise and have a consultant working on the standard
36 pollution reduction and the standard costs for projects. The gamble is once we implement all
37 these projects, is Lake Champlain still impaired?

38 Larry – if CVRPC is liable for the results, then someone should be in the mix of the technical
39 conversations.

40 Bonnie - Comments are due for Friday's (tomorrow) meeting. There will be a public comment
41 period for the official draft and we should have a 30-day comment period. Most likely the final
42 draft will be available for comment by January.

43 John B. – It makes sense that the kinks are being worked out before the rule making.

44 Bonnie – The ANR wanted to know what our concerns are even if we are not agreement.

45

46

1 **CWAC RULES OF PROCEDURE**

2 John B. liked the changes.

3 Russ made a motion to adopt the procedures as amended. John B. seconded. Motion carried.

4

5 **CHAIR AND VICE-CHAIR APPOINTMENTS**

6 John B. – would like to move that Amy as chair, Larry seconded. Amy is fine with that. Motion
7 carried.

8 John H. nominated and moved for Larry to be Vice-chair. Larry accepted. Joyce seconded.

9 Motion carried.

10

11 **OTHER ANNOUNCEMENTS**

12 Pam mentioned the LCBP grant application for the stormwater treatment at the Vermont
13 Shopping Center.

14

15 **SCHEDULE**

16 Next meeting: November 12, 2020.

17

18 Meeting adjourned at 6:04 pm.