

**Public Hearing - Revised Water Quality Standards held 8/22/2016 in Montpelier Started 9:10 am**

Questions were posed by attendees, but no specific comments.

- 1) Jon Groveman: Appreciate DEC's responses to our questions filed by email two weeks back. Our group (CLF/VNRC/TRORC) does not anticipate needing any additional meetings and feel comfortable filing our comments.
- 2) Pam De Angela: *What are the land management implications of the new Class B(1)?*
- 3) Karen Horn: *What is the relationship between B(1) waters and mixing zones and water management zones.*
- 4) Karen Horn : *How could the public determine what current existing uses exist for a water body?*
- 5) Karen Horn: *Voiced concern that the PSB would (and does) favor energy needs over environmental impacts.*

Adjourned 9:55

**Public Hearing - Revised Water Quality Standards held 8/22/2016 in Winooski Started 5pm**

Questions were posed by attendees, but no specific comments

- 1) Tom Berry: *...? How does Anti-Degradation allow for improvements to the existing conditions, pre proposed project?*
- 2) Rebecca Webber: *Asked what EPA told us that led us to change the socio-economic justification language of the Anti-degradation policy.*

Adjourned 5:55

**Public Hearing - Revised Water Quality Standards held 8/24/2016 in Arlington Started 5pm**

Adjourned 5:30. No attendance.

**Public Hearing - Revised Water Quality Standards held 8/31/2016 in South Londonderry Started 1:05pm**

Attendance included CT River Watershed Council (David Deen), two RPCs, Southeast VT Watershed Association, American Whitewater (Bob Nasdor), Stratton, several interested citizens.

Questions were posed by attendees, and comments were offered as well.

COMMENT - Rep. Deen expressed significant reservations regarding the Antidegradation policy language proposal proposing to add “in the area in which the waters are located” to the socioeconomic justifiability clause. He argued that as a citizen of VT whom may wish to use waters in another part of the State, that his use of those waters should be protected even if the subject water is in another area, regardless of how “area” is defined. The comment can be heard at time-mark 47:28 of the hearing transcript, [here](#).

John Bennet: Any change to petitioning for reclassification? A: No change. States intent to run classifications annually after issuance of TBPs. Petition option still exists.

COMMENT - Bob Nasdor – Reclassification proposal for Bingo Brook does not recognize WW boating as a use at high quality. AW thinks this should be designated for boating too. Discussion about management activities that may impact WW boating. Chop and Drop came up. Bob argues that the type of management that promotes fish habitat thru chop drop may impact WW boating. Responded that A1 stream designation means boating in a natural condition. Insofar as chop and drop restores natural condition, that is consistent with the management approach.

COMMENT - Rep Deen: Reiterates that in terms of AD, VT has ability to be more strict than Fed. Guidelines, and he argues that keeping the test statewide instead of “area” is more protective.

Also, Rep. Deen indicates that there is a seasonality to certain uses. E.g., there is a 3 mo. window in which shad spawn. Is that B1 for that period of time, B1 for all times? Will flesh out in written comments.

COMMENT - Also, Rep. Deen that words like unreasonable, negligible are subjective – should the Agency define these as opposed to leaving them vague? Good that “which” was replaced by “that.” Eliminate the occurrences of “including, but not limited to” since including does not exclude other things.

Rep. Deen urges caution to reclassify at the same time we are creating the classification. “This is an appropriate rulemaking” (...) but he is concerned that we are creating the rule to allow for the classes and slotting waters into those classes. Response is that only A1 is being proposed, not B1. ANR fully understands and supports the concern in regards to B1 and has not proposed that.

Bob Nasdor. For waters designated A1, could you create a new dam or diversion? Looks like the temperature change would preclude that. A: no. No dam in A1. What about B1? There are criteria spelled out for hydrology for waters designated B1 for ALUS/Hab/fishery that would need to be maintained, were a dam built in those waters. What about retrofitting dam? Likelihood of doing a retrofit but having to maintain B1 is low. Now all waters are B2, and it is unlikely ANR would designate a reach affected by a current Hydro facility as B1.

Jeff Cavignano. What would effects of this be on logging? A: limited effect. State requires AMP. They are being updated to be more accommodating of stream quality. USFS BMPs are AMP ++. David Deen mentioned that the standards for Current Use will not be affected by these WQS.

John Bennet – Asked about “existing uses” and why ANR would preclude their identification in years past. A: NCK stated for record that those decisions were based on an earlier management vision, and based on an unsigned procedure. Current day TBPs identify EUs in an authentic manner. Deen

indicated that such decisions would never withstand appeals today, and that in modern times, Ludlow WWTF would never have been allowable.

Rep. Deen: Are definitions consistent between SA and FP rules? RAPs? A: yes, for resilience language, we were careful to align Chapter 47 and Chapter 49.

Bob N: Does VT have a law guaranteeing bridge access to rivers? Deen gave answer that VT is 3-rod-road state. Thus, any public road provides access if it is within 3rods. Additional discussion ensued.

COMMENT - John Bennet: Regarding Appx F, Styles Bk reservoir is inaccurately designated – diversion is gone and it should not be listed as A2. Marie indicated that we should have this as part of next Basin 11 plan. Styles is not on that list. We have been working with VT Rural Water to clean up descriptions.

John Bennet: All water above 2500 ft is A1, but B2 below. Is there an interest in projecting the A1 further downstream to some change? A; no – this is not ANR’s intent. Not fair to landowners.

John Bennet: Is there a higher bar to reclassify to A1 than B1? A: no. B1 is based upon data, and A1 is reclassifiable.

COMMENT - Rep. Deen. In NPS Management section, the term: “in as cost effective manner as possible” is not consistent with Act 64. Perhaps there could be an extension of time, but financial is not contemplated.

Adjourned 2:45.