

September 6, 2016

Monitoring, Assessment, and Planning Program  
Watershed Management Division  
1 National Life Drive, Main 2  
Montpelier, VT 05620-3522

Dear Neil Kamman,

Thank you for the opportunity to convey our thoughts on this proposed rule. The Two Rivers-Ottawaquechee Regional Commission strongly supports the direction of the rule changes to Vermont's Water Quality Standards (VWQS). Despite the long overlooked water management typing rule, the new VWQS represent significant progress for managing water quality in the State of Vermont by establishing a protocol for identifying appropriate uses and designating the classifications of waters for those uses. Independent use classification is a logical approach to the classification of specific waters in Vermont, and TRORC encourages the zealous designation of surface waters to the highest classifications that can reasonably be designated for all uses.

TRORC is primarily concerned with the onerous process in place for the reclassification of waters. TRORC believes that it takes too long to establish the sufficient criteria required to support reclassification. The superfluous steps required to initiate a reclassification are a serious impediment to the reclassification of waters, and are not needed since the test is not whether such quality exists, but that it is *reasonably attainable*.

TRORC believes that a simplified process, although slightly less thorough, can be efficient and effective. If a specific surface water starts as an A(1) ecological water because it is above 2,500 feet in elevation, and that water continues below 2,500 feet but the land use surrounding that water is unchanged, then the classification should also be an A(1) ecological water. This method significantly expedites the reclassification process and would lead to the greater protection of Vermont's surface waters. There are several examples of this in our region, including Corporation Brook in Pittsfield and Rochester, Chittenden Brook in Rochester, Howe Brook in Hancock, and several tributaries of the Upper White River.

TRORC strongly supports the proposed reclassification to A(1) criteria for aquatic biota, aquatic habitat, and fishing uses of tributaries in the Upper White River Watershed. These specific recommendations are identified in the Watershed Management Division's proposal: *Reclassification of Certain Vermont Surface Waters in the Green Mountain National Forest to Class A(1) Pursuant to the Vermont Water Quality Standards*. The proposed reclassifications include streams that are less than 2,500 feet in elevation but are located in a designated Wilderness Area or a National Recreation Area in Granville, Hancock, and Rochester; Bingo Brook in Hancock and Rochester; and Smith Brook in Rochester. These waters are beautiful and exemplify ecological waters that Vermont strives to maintain.

TRORC supports the increased incorporation of Tactical Basin Planning in the determination of high quality waters, existing uses, and the quality of such uses. TRORC believes that Tactical Basin Plans provide an avenue by which candidates for reclassification should be highlighted and implemented. As written, the Water Quality Standards draft rule states that "Tactical basin plans *should* contain specific recommendations". TRORC believes the rule should be amended so that "Tactical basin plans *shall* contain specific recommendations for reclassification". Tactical basin plans, as the primary tool in watershed planning, must require specific candidates for A(1) and the newly created B(1) designation. TRORC believes that basins that include waters which have not yet been designated by use, shall include tactical basin plans that propose the appropriate class for such waters based on both the existing water quality and reasonably attainable water quality.

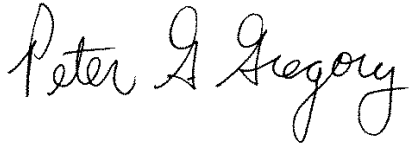
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William B. Emmons, III, Chair  
Peter G. Gregory, AICP, Executive Director

The rule states that “the Secretary [of the Agency of Natural Resources] *shall give due consideration to the recommendations in the tactical basin plans*”. TRORC believes that the rule gives short shrift to such dedicated planning and should be amended to read “ the Secretary of the Agency of Natural Resources *shall implement the recommendations contained in the tactical basin plans*”. The state of Vermont should strive to achieve the highest possible quality in its surface waters, and the implementation of reclassified waters for uses around the state will lead to the increased protection of this high quality.

Please see the attachment that illustrates specific comments TRORC has regarding changes to the Draft Vermont Water Quality Standards Section 1-02 (C) Tactical Basin Planning.

Sincerely,

A handwritten signature in black ink that reads "Peter G. Gregory". The signature is written in a cursive style with a large, prominent 'P' and 'G'.

Peter G. Gregory, AICP  
Executive Director

**D. ~~Basin Planning~~ (c) Tactical Basin Planning.**

- ~~1.~~(1) Pursuant to 10 V.S.A. § 1253, the Secretary is required to adopt tactical basin plans. Such plans shall inventory the existing and potential causes and sources of pollution that are known or suspected to may impair the waters. ~~Basin-Tactical basin~~ plans shall establish a strategy to improve or restore waters, and to ensure full support of uses. ~~Basin-Tactical basin~~ plans serve as the guide, consistent with applicable state and federal law, for how various sources of pollution within each basin will be managed in order to achieve compliance with ~~the Vermont Water Quality Standards and the Vermont water quality policy~~ these rules. The Secretary is required by state law to revise and adopt all 15 tactical basin plans by January 1, 2000 ~~and to complete at least one basin plan per year beginning in 1992. Basin plans shall be updated every five years on a five-year rotating basis.~~
- ~~2.~~(2) As part of the tactical basin planning process, public participation shall be sought to identify and inventory problems, solutions, high quality waters, existing uses and the quality of such uses, ~~other water uses~~, and significant resources of high public interest.
- ~~3.~~(3) In preparing tactical basin plans, the Secretary shall, to the extent required by applicable law, consider all relevant aspects of approved municipal plans and regional plans adopted under 24 V.S.A. Chapter 117 and coordinate and cooperate with the Secretary of the Agency of Agriculture, Food, and Markets as provided for in 6 V.S.A. Chapter 215.
- ~~4.~~(4) Each tactical basin plan shall identify strategies, where necessary, by which to allocate levels of pollution between various sources as well as between individual discharges. ~~Basin-Tactical basin~~ plans shall should, to the extent appropriate, contain specific recommendations by the Secretary that include but are not limited to the identification of all known existing uses, ~~salmonid spawning or nursery areas important to the establishment or maintenance of such fisheries, reference conditions appropriate for specific waters,~~ any recommended changes in classification and designation of waters, including reclassifying waters' uses from Class B(2) to a higher classification level, schedules and funding ~~or for~~ remediation, stormwater management, riparian zone management, and other measures or strategies pertaining to the enhancement and maintenance of the quality of waters within the basin.
5. In basins that include Class B(2) waters which have not been so designated by use allocated into one or more Water Management Types pursuant to §29A 104-105 3-06 of these rules, the basin plan shall propose the appropriate Class Water Management Type or Types for such waters based on both the existing water quality and reasonably attainable and desired water quality management goals.
- ~~6.~~(5) Upon adoption of a tactical basin plan, the Secretary shall promptly initiate rulemaking to implement and shall give due consideration to the recommendations contained in the tactical basin plan.