

## Vermont Clean Water Board Meeting Minutes

Date/Time: Monday, October 9, 2023, 3:00-4:30 pm

Virtual Option to Attend: [Microsoft Teams Meeting](#)

Physical Location to Attend In-Person: Agency of Natural Resources, One National Life Drive, Montpelier, VT 05620-3510 in the Catamount Room (Davis Building, 2<sup>nd</sup> Floor, Room D215).

Meeting details, materials, and recordings available at: <https://dec.vermont.gov/water-investment/cwi/board/meetings>

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### Clean Water Board Members/Designees:

Douglas Farnham, Agency of Administration (AoA) Deputy Secretary and Designated Clean Water Board Chair (Present)

Tayt Brooks, Agency of Commerce and Community Development (ACCD) Deputy Secretary (Present)

Alison Conant, public member (Present)

Bob Flint, public member (Present)

Joe Flynn, Agency of Transportation (VTrans) Secretary (Present)

Jim Giffin, public member (Absent)

Julie Moore, Agency of Natural Resources (ANR) Secretary (Present)

Anson Tebbetts, Agency of Agriculture, Food and Markets (AAFM) Secretary (Present)

Chad Tyler, public member (Present)

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### 1. Welcome

**Recording Time Stamp 2:10<sup>1</sup>**

*Douglas Farnham, Agency of Administration Deputy Secretary and Clean Water Board Chair*

The Chair, AoA Deputy Secretary Douglas Farnham convened the meeting at 3:00 pm and invited any edits to the February 22, 2023 meeting minutes. No edits were offered, and minutes were adopted through consent.

### 2. Review State Fiscal Year (SFY) 2025 Clean Water Budget process

**Recording Time Stamp 4:48**

*Gianna Petito, Department of Environmental Conservation (DEC) Clean Water Initiative Program (CWIP) Grants Supervisor*

Gianna Petito presented the budgeting timeline and highlighted key dates for public comment and future Clean Water Board meetings.

### 3. Review Clean Water Fund operating statement

**Recording Time Stamp 9:16**

*Nick Kramer, Department of Finance and Management Budget Analyst*

Nick Kramer provided an overview of the Clean Water Fund operating statement, including actuals for State Fiscal Year 2023, and updated forecasts for State Fiscal Year 2024, 2025, and 2026. He also gave an overview of an updated escheats, or unreturned bottle deposits, revenue projection methodology. The Clean Water Fund operating statement, including the updated revenue projection approach for escheats, will be added to the consent agenda for the December Board meeting.

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<sup>1</sup> Please refer to the available meeting recording to learn more about discussion content under each agenda item. Recording Time Stamps are highlighted to direct focus on the recording. Recording can be directly accessed here:

<https://www.youtube.com/watch?v=IS02CxI43Pw&t=1913s>

4. **Review draft SFY 2025 Clean Water Budget recommendation** **Recording Time Stamp 34:00**  
*Gianna Petito, Department of Environmental Conservation (DEC) Clean Water Initiative Program (CWIP) Grants Supervisor*  
Gianna Petito presented the draft budget recommendation and budget drafting approach. Dan Albrecht asked how the funds for road erosion will be allocated. Emily Bird answered that the dollars will be appropriated through the Agency of Transportation and administered as grants to municipalities through the municipal Mitigation Assistance Program. Angie Englehart asked if the funds budgeted for the alum treatment will be used exclusively for Lake Carmi. This was confirmed by Secretary Moore. Peter Lafley asked if the Clean Water Board has any legislative protection to the unallocated surplus from one year to the next. AoA Deputy Secretary Douglas Farnham acknowledged some risk in leaving unallocated funds on the bottom line.
5. **SFY 2025 Clean Water Budget public comment communications plan** **Recording Time Stamp 56:45**  
*Colleen Miller, DEC CWIP American Rescue Plan Act (ARPA) Coordinator*  
Colleen Miller highlighted public comment period dates and opportunities for the public to provide feedback on the draft SFY 2025 Clean Water Budget. This includes a Story Map to introduce an interactive learning element and updates to the Public Comment Questionnaire to reflect feedback on SFY 2024's questionnaire. The November 2nd Public Hearing will begin with a showing of a pre-recorded presentation of the Clean Water Budget line-items developed by Agency partners before a live session to hear public comment.
6. **Update on availability of federal funds for water quality work in Vermont**  
*Neil Kamman, DEC Water Investment Division Director*  
Item addressed offline by emailing the report to the Board. See supporting materials #8 listed below for link to report.
7. **Public comment** **Recording Time Stamp 1:03:07**
  - Lake Carmi Campers Association –
    - Ernie Englehart – Expressed concerns for Lake Carmi. See meeting recording.
    - Pete Benevento – Expressed concerns for Lake Carmi. See meeting recording.
    - John Costa – Expressed concerns for Lake Carmi. See meeting recording.
    - Bruce McGurk – Expressed concerns for Lake Carmi. See meeting recording.
  - Dan Albrecht – Commented about Municipal Roads Grants in Aid Program and Water Quality Restoration Formula Grant Program. See meeting recording.
  - Marguerite Adelman – Expressed concerns about PFOAs. See meeting recording.
  - Lindsey Waterhouse – Commented on overall budget approach and data analysis. See meeting recording.
  - Jill Arace from chat - Expressed a question about return on investment on Clean Water projects.
  - See attached for public comment submitted via email.
8. **Discuss and approve draft SFY 2025 Clean Water Budget** **Recording Time Stamp 1:24:12**  
*Full Board*  
Bob Flint moved to pass the draft SFY 2025 Clean Water Budget for public comment as presented today. VTrans Secretary Joe Flynn seconded the motion. No discussion. Motion passed.
9. **Adjourn** **Recording Time Stamp 1:27:27**  
Meeting adjourned at 4:30 pm.

**Attached Materials:**

- Public comment received via email from Sylvia Knight, October 2
- Public comment received via email from Bruce McGurk, October 5

- Public comment received via email from Lindsey Waterhouse, October 9

DRAFT

**From:** [Sylvia Knight](#)  
**To:** [ANR - Clean Water VT](#)  
**Cc:** [James Ehlers](#); [madel51353](#); [Mason Overstreet](#); [Julie Silverman](#); [Robert Wright](#); [PamLadds](#); [Annette Smith](#)  
**Subject:** clean water: meeting 10/9/23  
**Date:** Monday, October 2, 2023 3:44:56 PM

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**EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.**

To the Clean Water Board:

I have noted the announced meeting for October 9. Due to other commitments I am not able to join this meeting. My comments follow.

1. My husband and I live in the Lake Champlain watershed, near the confluence of Winooski River and the Lake.
2. I receive disturbing reports - frequently - from ANR of permitted overflows from wastewater treatment facilities and other discharges affecting Lake Champlain and other water bodies in Vermont. Rutland has the most WWTF combined sewage overflows (CSOs) of any community in the Champlain Watershed. Burlington has its share as do Middlebury and Vergennes. Thousands to hundreds of thousands of gallons of partially treated or *untreated* sewage are released to our watershed EVERY TIME IT RAINS. This means that pesticides, PFAS, heavy metals co-mingled with sewage are released into Lake Champlain.  
Question: How can the state justify using streams and lakes to "dilute the pollution", contrary to the intent of the Clean Water Act?
3. The water supply for Burlington is now contaminated with PFOS (9ppt) and PFOA (18ppt) (2022 test results). EPA *lifetime health advisory levels* for these contaminants are **.02ppt and .004ppt** respectively. The City is relying on New Jersey standards because EPA has not established clear standards in water. Clean water? See [Annual Drinking Water Quality Report for the year 2023.pdf](#)
4. Just how can we call water "clean" as long as PFAS, leachate, heavy metals, sludge and endocrine-disrupting pesticides are released to waters of the state and international waters via inadequately maintained Wastewater Treatment Facilities (WWTFs)?
5. What efforts were undertaken in the Otter Creek watershed - when federal \$\$ were flowing for water infrastructure -- to remedy and upgrade WWTFs with constant problems managing their systems?
6. What expenditures have taken place regarding any upgrade to the Newport VT WWTF subsequent to releases of toxic leachate to the Black River or Lake

Memphramagog, an international body of water?

7. Questions regarding the Clean Water Board:

- a. Who represents the different state agencies on the Clean Water Board? Do they have conflicting roles in their agencies?
- b. What expertise do they have in maintaining systems for protecting water quality?
- c. What fields of work or relevant experience do the public members have?
- d. Why are all the public members leaving the same year? Why aren't the terms of tenure overlapped to provide continuity?

Please send your response to all copied here by November 1, 2023.

With deep concern and gratitude,

Sylvia Knight

Earth Community Advocate & Researcher

Burlington, VT 05408

[sknightinv73@gmail.com](mailto:sknightinv73@gmail.com)

pronouns: she, her

We cannot solve our problems with the same thinking we used when we created them. Albert Einstein.

["We aren't going to have peace on Earth until we recognize the basic fact of the interrelated structure of all reality."](#)

[Martin Luther King, Jr.](#)

**From:** [Bruce McGurk](#)  
**To:** [ANR - Clean Water VT](#)  
**Cc:** [Peter Benevento](#)  
**Subject:** 10/9 Clean Water Board Meeting  
**Date:** Thursday, October 5, 2023 6:43:04 PM

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Hello Board Members and staff,

As a property owner at Lake Carmi, I have been very grateful for Board interest and support in understanding and solving the blue-green algae and cyanobacteria problems in our recreational lake. With Board support, we have collected lake chemistry and oxygen information and installed and operated an aeration system. That system did not achieve the desired results, and a feasibility study on implementing an alum treatment is starting.

We in the Campers Associated are incredibly excited about the likely wonderful outcome from an alum treatment. The legacy phosphorus would be locked up chemically, and the improvements that are being done in farm management, road improvements, and shoreline protection will avoid having the problem return.

Please continue to support activities at Lake Carmi for a few more years so we can finally get to a successful conclusion and end the blooms that make use of the Lake in August infeasible.

Best Regards  
Bruce

Bruce McGurk, PhD, P.H. (he/him)  
McGurk Hydrologic  
Cert. Prof. Hydrologist #730  
Orinda, CA 94563  
email: [brucemcgurk@comcast.net](mailto:brucemcgurk@comcast.net)  
Cell: 925-698-4683

**From:** [Lindsey Waterhouse](#)  
**To:** [ANR - Clean Water VT](#)  
**Subject:** 10/9 Clean Water Board Meeting  
**Date:** Monday, October 9, 2023 2:52:00 PM

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Greetings -

My question is based upon the outcomes of all of the targeted environmental spending. In the 2022 summary of achievements, all of the data and graphics are based upon estimates of reduction, specifically TMDL reduction given accomplished projects completed and what is believed achievable. Where is the sampling data that would demonstrate phosphorus trends each year to support the 20 year goal? Estimates are exactly that. Valid water quality testing is needed to validate the anticipated outcome. How is that happening and where is the data?