

Vermont Clean Water Board Meeting Minutes

Date/Time: Tuesday, December 14, 2021, 3:30 pm–5:00 pm

Location: [Microsoft Teams Meeting](#)

Details and supporting materials available at: <https://dec.vermont.gov/water-investment/cwi/board/meetings>

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 (Present)

Bob Flint, public member (Present)

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

James Giffen, public member (Present)

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

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

Chad Tyler, public member (Absent)

1. Welcome

Douglas Farnham, Agency of Administration (AoA) Deputy Secretary, designated Clean Water Board Chair
The Chair, AoA Deputy Secretary Douglas Farnham convened the meeting at 3:32 pm and reviewed the agenda. Clean Water Board members reviewed meeting minutes from the October 13, 2021 meeting and the November 4, 2021 public hearing. The Board Chair invited a motion to approve the October 13, 2021 and November 4, 2021 meeting minutes. Motion was made by VTrans Secretary Joe Flynn and seconded by ANR Secretary Julie Moore. Motion passed.

2. Review summary of public comment on draft SFY 2023 Clean Water Budget

Emily Bird, Dept. of Environmental Conservation (DEC) Clean Water Initiative Program Manager
Emily Bird described the SFY 2023 Clean Water Budget development process, outlined the results of public comment period participation, and provided a summary of public comment themes and response to the Clean Water Budget. See [Results of Public Comment Slideshow](#).

3. Discuss possible changes to the draft SFY 2023 Clean Water Budget

All, led by Clean Water Board Chair Douglas Farnham

- Bob Flint noted a concern and asked ANR to rethink the funding for line item *Innovative or Alternative Technologies or Practices to Improve Water Quality*, as this could fund research to identify solutions to clean water problems such as phosphorus loading. Secretary Moore provided context to the origins of this line item. Three years ago, AAFM and ANR funded the Vermont Phosphorus Innovation Challenge where three out of 30 proposals were funded for full scale concept development. All projects have different strengths and challenges but are all types of projects that otherwise would have a hard time accessing specific line items in the budget directed to project implementation versus concept development. Secretary Moore conveyed her appreciation for the note of concern and for balancing funding current practices and looking for the next innovation. Emily Bird added that SFY 2022-2023 funding programs focus on building organizational capacity and providing stability to partners during transition to Act 76 of 2019 funding programs. She noted there may be an opportunity to reconvene on this subject as the State begins to plan for the SFY 2024 Clean Water Budget to identify opportunities to invest in innovation space. There are a number of ongoing research, development, and innovation efforts and recommend bringing together partners to catalog ongoing efforts and to identify gaps that would benefit from a strategic investment.
- AoA Deputy Secretary Douglas Farnham noted the proposed amendment to incorporate municipal road equipment in eligible uses of line 2.23 and requested equipment be bought solely with state Clean

Water Fund dollars and not with American Rescue Plan Act (ARPA) funds, due to complexities in Treasury ARPA Guidance for purchasing depreciable equipment.

- ANR Secretary Moore, commented in response to public comments on the Water Quality Enhancement Grant funding line item. Secretary Moore appreciated the concerns around the Water Quality Enhancement Grants. This year's solution is fine and makes sense given the resources available to support other important areas of work. However, Secretary Moore is not willing to concede that ANR's interpretation of this funding line item was wrong and have concerns for out years if the Board sets an expectation that this line can only be supported with Clean Water Fund dollars. This is not an issue in the next 3-5 years due to unprecedented resources through ARPA and the Infrastructure Investment and Jobs Act (IIJA), but at least wanted to highlight concern that the public not assume line items are fixed at current levels. The budget will benefit from further analysis of total funding need. AoA Deputy Secretary Farnham expressed appreciation for this point and noted that under other circumstances he might have pushed back on the reductions in the Three-Acre General Permit line item, but highlighted availability of other funding sources to support this activity. Deputy Secretary Farnham noted it is situational; he agreed the original interpretation of the Enhancement Grants line is correct; and he would not define the Enhancement Grants line item as narrowly as the comments did. He noted this as an important caveat if the Board shifts funds in the manner that is proposed.

4. Public comment

Clean Water Board Chair Douglas Farnham

- Peter Benevento expressed concern that Lakes in Crisis is underfunded at \$50,000. He provided comments to the budget alongside a photo journal of Lake Carmi. He highlighted concerns about future expenses for maintenance of the aeration system. He recognizes that other grants and funding are available for this work but are under competition from other associations and requested more funding be made available.
- Maria Abernathy echoed Peter Benevento's comment regarding the funding available for the Lakes in Crisis program and asks that State of Vermont focus on Lake Carmi to make it a success story.
- Bruce McGurk continued the conversation about concerns of Lake Carmi water quality and highlighted the need for continued funding of this project since the process to turn the lake around is a long one. Expressed thanks to the state of Vermont for its current support.
- Jared Carpenter of the Lake Champlain Committee thanked the Board for increasing the Enhancement Grant to \$5 million and recognized that the funding will continue to be a discussion in the future.
- Albert Perry expressed concern about Lake Carmi water quality and wanted to know more about what the State of Vermont intends to do to correct the conditions of the lake and meet the TMDL requirements. Albert requested additional accountability information on the results of the State's investments in clean water.
 - In response, ANR Secretary Moore provided a link to the *Vermont Clean Water Initiative 2020 Performance Report*, which summarizes the State of Vermont's clean water efforts and demonstrates how investments are making a difference in the water quality of Vermont's rivers, lakes, and wetlands. She also highlighted the upcoming release of the *2021 Performance Report* in January 2022. Emily Bird also noted the soon to be updated Clean Water Interactive Dashboard, complementary to the *2021 Performance Report*, will allow users to filter to project data to the Lake Carmi watershed.
- Kent Henderson of Friends of Northern Lake Champlain noted he is very encouraged to see the revisions in the budget. He is happy to see recognition of increasing organizational capacity needs, especially in capacity to participate on Basin Water Quality Councils.

5. Adoption of the SFY 2023 Clean Water Budget for recommendation to Governor Scott

Clean Water Board Chair Douglas Farnham

No further Board discussion on the SFY 2023 Clean Water Budget. AoA Deputy Secretary Douglas Farnham invited a motion to adopt the SFY 2023 Clean Water Budget as recommended by ANR. Motion was made by VTrans Secretary Joe Flynn and seconded by Alison Conant. All were in favor. Motion passed.

6. Other business, determine next steps, closing remarks

Clean Water Board Chair Douglas Farnham

- Emily Bird provided an update on the status of the *Vermont Clean Water Initiative 2021 Performance Report*. A draft is currently under review and due to the Legislature January 15, 2022. The draft will be posted to the Clean Water Board webpage and a copy will be sent to members of the Clean Water Board when available. There will be a companion Clean Water Interactive Dashboard that allows interested parties to filter datasets by certain parameters (e.g., watershed). These resources will be made available, and communications are planned for late January to early February 2022 to keep subscribers of the Clean Water E-Newsletter up to date.
- AoA Deputy Secretary Douglas Farnham provided an update on the status of the Clean Water Fund Program Audit. The RFP has been issued several times and continues to receive no responses. He indicated that AoA has received feedback that the scope of the project is too large and too difficult for response. The most recent RFP indicated entities had an option to only respond to portions of the RFP, but it still received no responses. At present, the Program Audit is unable to move forward and asks the Board for recommendations on next steps.
 - Jim Giffen urges the Board to work with Legislative leadership to identify key components and revise the scope of the Program Audit.
 - ANR Secretary Moore discussed having this topic be on the agenda for the next meeting in February 2022 and suggested drafting a statement to the Legislature on identifying scope of work for the Program Audit for the Board's review and approval.
 - AoA Deputy Secretary Douglas Farnham agreed and will work with ANR Secretary Moore on the proposal to the Legislature, allowing time for the Board to consider the issue and identify a course of action. The next Clean Water Board meeting will be scheduled for February 2022.

7. Adjourn

The Board Chair invited a motion to adjourn. Motion was made by Alison Conant and seconded by VTrans Secretary Joe Flynn. Motion passed. Meeting adjourned at 4:42 pm.

Supporting Materials:

1. October 13, 2021 Draft Clean Water Board Meeting Minutes
2. Memorandum: SFY 2023 Clean Water Budget Public Comment and Responsiveness Summary; includes:
 - a. Public comment online questionnaire results compiled/summarized (see page 9)
 - b. Public comment letters submitted via email compiled (see page 46)
 - c. November 4, 2021 SFY 2023 Clean Water Budget Public Hearing DRAFT meeting minutes (see page 70)
 - d. PDF copy of the original online questionnaire for your reference/records (see page 74)
3. Revised Draft SFY 2023 Clean Water Budget Overview (December 14, 2021); includes:
 - a. Revised Draft SFY 2023 Clean Water Budget sheet (December 14, 2021) (see page 5)
 - b. Revised Summary of Adjustments due to Clean Water Service Delivery Act of 2019 (Act 76) (see page 6)
 - c. Revised State Fiscal Year (SFY) 2023 Clean Water Budget Line-Item Descriptions (see page 9)