

STATE OF VERMONT
AGENCY OF NATURAL RESOURCES
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
CHAPTER 39 – CLEAN WATER SERVICE PROVIDER RULE

Description of Changes for Adopted Rule

1. Pre-qualification and Procurement

§ 39-306(i)

Procurement, Services and Goods. Except for entities that have been pre-qualified to provide services pursuant to § 39-306(h) of this Rule and whose clean water project has been selected pursuant to § 39-403(e) of this Rule, pProcurement of services by the CWSP or its subgrantees shall be by a competitive process, with a solicitation of quotations from at least three qualified entities. Purchasing of goods shall require the solicitation of at least two different quotations, except when purchasing items valued at \$1,000.00 or less. Records related to the procurement of services shall be retained for the term of the contract plus three years. Records related to the procurement of goods shall be retained for one year after the audit covering the period of purchase of those goods. Procurement of a good or category of goods totaling \$15,000.00 or greater from one vendor in one year shall be by written contract. Equipment and other durable assets purchased by a CWSP shall be maintained.

2. Defined Terms

§ 39-201

- (10) “Fiscal sponsor” means an organization that provides fiduciary oversight, financial management, legal status, and other administrative services to a secondary organization.
- (15) “Standard cost” means the projected cost of achieving a pollutant load reduction per unit or per best management practice in a basin, including the costs of project identification, project design, and project construction.

3. Agency of Agriculture, Food and Markets Consultation Language

§ 39-304(b)

how, for projects in the agriculture sector proposed on farms subject to the Required Agricultural Practices Rule, the CWSP shall consult the Agency of Agriculture, Food and Markets (AAFM) to determine project eligibility;

§ 39-403(d)(3)

for projects in the agriculture sector proposed on farms subject to the Required Agricultural Practices Rule only, consult with AAFM quarterly on project eligibility, selection, and progress, as AAFM shall have the authority to determine whether such a proposed project ~~in the agricultural sector~~ qualifies as a clean water project;

4. Conflict of Interest

Subchapter 6

§ 39-601. Conflict of Interest Policy.

- (c) ~~A~~ Persons engaged in CWSP decision making must disclose any potential conflict of interest and shall recuse themselves ~~itself~~ from any CWSP decision making subject to that conflict.
- (d) ~~A~~ BWQC members that proposes to implement a clean water project must disclose any potential conflict of interest and shall recuse themselves ~~itself~~ from any BWQC decision making subject to that conflict. Notwithstanding these limitations, a ~~the~~ conflicted BWQC member may answer questions on the subject project in an open meeting of the BWQC.

5. Throughout Rule

Changed 8 of 9 references to “Department” (defined as “Vermont Department of Environmental Conservation”) to be references to “Agency” (defined as “Vermont Agency of Natural Resources”).