

Lake Champlain Phosphorus TMDL, January 17, 2014

General Comments Made During Public Meetings or Submitted During Public Comment Period

General Comments

- Generally supportive of efforts to restore Lake Champlain.
- Concerned that the draft plan is expensive to implement, and Vermont may not have the resources to implement it.
- Support more staff, resources, and project funding to address the need.
- Consider supporting a large volunteer-based organization to help solve these issues.
- It is important and necessary to help fund local groups, since they are on the forefront of delivering education and outreach, and conducting implementation practices to reduce water pollution.
- North Carolina has a State Clean Water Management Trust Fund, which supports similar clean water projects.
- Plan should address legacy phosphorus in the sediments, and the legacy phosphorus in rivers from treatment plants discharging into them.
- Interested to know the extent to which new jobs will be created that will focus on the restoration of Lake Champlain.
- Consider strategies to prevent degradation of our existing healthy watersheds, and their role in maintaining current levels of water quality.
- Support monitoring of progress and phosphorus levels over time.
- Consider prioritizing actions in all sectors to achieve greater reductions in a cost-effective manner.
- Consider costs per pound or ton of phosphorus removed for actions envisioned in the plan, to assure that the state is focusing on cost-effective strategies that will achieve desired results.
- Consider a credit system for cities, farms, and other sources for practices in place and proactive actions taken.
- Consider a program that replaces poor, under-performing septic systems with better technologies before they fail and become a problem.
- Consider offsets or trading to improve the cost-effectiveness of the actions taken to achieve targets.
- Voluntary conservation only goes so far; some individuals need a little more incentive to follow the rules. If they knew that someone was actually going to follow up, we could see greater compliance.

- Consider ways to improve enforcement and compliance with existing regulations, including farm medium and large farm regulations, soil erosion reduction requirements at the farm field, stormwater runoff regulations, and wastewater discharges.
- Look for ways to upgrade current programs and processes before making things more complicated.
- The plan should address the increased rate of precipitation, resulting in more runoff and flooding, the state is experiencing.
- The actions described must help the South Lake meet water quality standards.
- Conduct scientific inquiry into phosphorus loading from large uses of glyphosate, an active ingredient in many kinds of herbicides, and increase monitoring for glyphosate.
- Increase width of buffer areas for pesticides to at least 35 feet adjacent to waterways.

General Comments -Education

- Plan seems to make the state responsible for cleaning up the lake, which feeds the public misconception that someone else will clean up the Lake. The plan needs to do more to make clear the roles and responsibilities of the individual in cleaning up the lake, in addition to the state.
- Education and public engagement should be a high priority.
- Everyone needs to be involved; the plan should include actions that everyone -- businesses, homeowners, and citizens -- can do.
- Support delivery of education, outreach and technical assistance.
- The state needs to offer greater technical assistance to farmers.
- Support public meetings for the implementation phase to educate the public on voluntary and non-voluntary programs, strategies, incentives, and costs.
- In many communities, there is both a desire for clean water and action to support it. However, many local leaders are not professionals, and even fewer have expertise in water quality. Although local control is appreciated, municipalities need guidance.
- Citizens need education in order to encourage town managers to use best management practices to improve water quality.
- Consider involving schools, including college students, in learning about this issue and opportunities for getting students involved.

Discharges from Regulated Point Sources (e.g., Wastewater Treatment Facilities)

- Consider focusing on discharges into Burlington Harbor and Winooski River. Spills of partly and untreated sewage from wastewater treatment plants and the breaks and leaks in the sewer lines, such as the sewer line break under the Winooski River a few months ago, should be addressed. These sources are already managed with permits.

- Focus on innovations in every sector, including wastewater treatment plants.
- Consider integrated permitting to more cost-effectively manage multiple clean water permits, allow for a greater prioritization of actions, and a logical timeline that reflects the costs of compliance.
- Reductions in discharges from wastewater treatment may not be a cost-effective way to achieve phosphorus pollutant load reductions.

Comments - Stormwater Runoff

- Consider establishing urban tree canopy as part of the green infrastructure initiative.
- The plan needs to give more attention to urban runoff.
- Support low impact development and green stormwater infrastructure.
- Support for green roofs as another stormwater solution, particularly for larger towns, such as Burlington.
- The city of Colorado Springs, CO, has a stormwater fee that is part of the annual property tax bill.
- Support for actions and technical assistance to towns to minimize stormwater impacts from future development.
- An equitable strategy is to include smaller communities in the regulatory requirements on stormwater discharges.
- Revise pesticide regulations for developments to limit glyphosate use.

Comments - Road Runoff

- Concern about the cost to cash-strapped municipalities to comply with a state general permit, including administrative costs as well as costs to implement practices. Town budgets are tight, while school budgets increase yearly, squeezing town highway department budgets.
- Support improved management of unpaved roads. Road sediment in runoff can discharge directly into a brook, acting similar to a point source for sediment.
- Support for providing education and technical assistance to town employees on water quality issues and how to manage road runoff using best management practices to minimize impacts.
- Consider ways to help towns improve ditch management, and hold them accountable so that damaging practices are discontinued.
- Support a permit system for the state highways. It will help municipalities see examples. It will also create the skills in the state to manage roads effectively and create training possibilities for towns.

- Consider incentives, rather than a regulation, to use management practices that reduce the impacts from road runoff.
- Consider treatment of the road-related runoff, before it is discharged into streams.
- The general permit should contain flexibility, since landscape features in some locations may prevent the application of standards.
- Maintaining stonelined ditches is costly.
- If a general permit for town roads moves forward, consider the Vermont Transportation Agency's road and bridge standards as the basis for that permit.
- Consider standards other than the Vermont Transportation Agency's road and bridge standards as the basis for that permit in order to provide more flexibility.

Comments - Agricultural Runoff

- Concern that the primary source of the problem is agricultural runoff; stormwater runoff is secondary. Focus should be on reducing runoff from farmland.
- Consider closing the loop-hole where a single entity can own multiple medium farms and avoid higher level of management required by the LFO permit, particularly in regards to adding more animals.
- Several hay fields close to the Lake in St. Albans town are now in corn. Consider having the corn fields along the Lake in St. Albans use cover crops after the corn is harvested. No cover crops are planted there year after year.
- The state does not appear to be serious about certifying and inspecting 850 small farms with only one new employee.
- To address agricultural runoff, we need to change agricultural land management to involve constant cover 100 percent of the time. Farmers in North Dakota, Ohio and Missouri all use cocktail cover cropping in their crop systems. The biodiversity of plants and roots in the soil build organic matter and soil structure.
- Stop criticizing farms, which produce local foods.
- New proposed AAPs changes will put many small dairy farms out of business, which will hurt their livelihood and tourism.
- Support a program to get dairy farmers to convert their operations from dairy to a different type of farming (beef or vegetables).
- Small farms need greater assistance and access to new equipment.
- Support cooperative agricultural community efforts.
- Some farms bring manure onto the roads. Road runoff carries that manure to the Lake. Consider actions to address this problem.
- Concern about liquid manure applied very close to waterways, such as brook and marshes, in Addison County.

- When determining site-specific buffer widths less than 25 feet on farms, need to take into account future stream stability. A ten-foot buffer is pretty narrow, geologically speaking.
- Consider having buffers on tile inlets.
- Consider strategies to overcome barriers to achieve vegetated buffers on farm land.
- Support consideration for allowing some winter spreading.
- Keep the winter-spreading ban.
- Partially lifting the winter spreading ban may be difficult to monitor and enforce.
- There are not enough technical service providers to write nutrient management plans for all non-permitted farms, and many small farms do not have computers are not computer-literate to write their own nutrient management plan. Some parts of the nutrient management plan are not valuable to farmers.
- Managing soil loss to “T” could force some farms from farming hills to floodplains. The soil loss factor, “T” was used for crop production; it was never meant to be used as a water quality tool. NRCS, depending on the field office, allows “T plus 0.8 or 1.0.” Continuous corn can still meet “T.”
- Support livestock exclusion.
- Farmers that managing grazing effectively with adequate buffers should not require technical service providers to develop a grazing plan.
- Livestock exclusion is not a viable option for all farms; it can be cost-prohibitive at some farms. It may also detract from voluntary programs, such as Agency of Agriculture’s Best Management Practice program, and the NRCS’ programs such as Conservation Reserve Program (CRP), Conservation Reserve Enhancement Program (CREP), and the Environmental Quality Incentive Program (EQIP).
- Focus on nutrient export in milk, cheese, vegetables, potting soil and other products shipped out of the Basin.
- Farmers need greater technical and educational assistance. Consider offering classes for farmers on good farmland practices.
- The plan should consider reduction of phosphorus loadings from tile drains. Tile drains are a source of soluble P, which is a particular concern if the tile drain is in close proximity to the Lake.
- Consider using subsidies to change farming practices, such as incentivizing farmers not to plant corn but to plant perennial crops in floodplains, or to switch to a grass-based system.
- Consider taxing the importing of grain to minimize the import of phosphorus from feed.
- Consider a tax on fertilizer, which may result in a reduction of use.

- Consider a program that focuses on farm ditches and ditch maintenance, which potentially could significant source of phosphorus loading. The program should include education, technical assistance, and incentivized practices.
- VAAFM cannot properly manage the current AAPs; adding more regulations does not make sense. The focus should be on improving compliance with existing AAPs and that taxpayer dollars are being used wisely through project performance monitoring.
- Farm roads near ditches can causes increases in erosion hazards. Consider a program that offers improvements to farm road near ditches.
- Farm roads to service manure storage areas can become rutted and concentrate water. These roads have the potential to discharge to streams from the manure storage area. Consider a program to help farmers prevent these problems from occurring.
- Consider evaluating the pollution risk of older manure pits located on coarse-textured and permeable soils or floodplains. There may be a risk of nutrients leaching into the ground water.
- Support efforts to help farmers curtail other types of erosion they experience besides sheet or rill erosion, such as gully erosion. Sometimes projects to address gullies do not qualify for assistance because they occur on soils not determined to be highly erodible.
- Floodplains are almost always defined as not being highly erodible, even though farm fields may be vulnerable to damage from channel avulsions.
- Consider an evaluation to ensure that payments to farmers for crop loss or damage to fields do not result in continuing the planting of field crops in unsuitable areas.

Comments - Streambank Erosion

- Consider how to appropriately manage the rate of streambank erosion, consistent with the TMDL and desire to achieve stream equilibrium, rather than focusing on stream power and flood hazards;
- Sediment aggradation increases streambank and cropland erosion. Streambank erosion control is used to save infrastructure at the expense of increases in erosion of agricultural land.
- Do not discount the impacts from seasonal (non-perennial) streams in agricultural and forestry operations. Dry, eroded waterways can also contribute sediment loading.
- Streambank erosion is a significant contributor of phosphorus, yet the plan does not address this source.
- Support for a state law that prohibits new development on floodplains, and a policy to buy out and remove structures on floodplain.
- Consider strategies to overcome barriers to achieve vegetated buffers on non-farm land.

- The contributions from unstable streams are significant, but allowing streams to erode will continue to generate significant pollutant loads.
- The state needs an accurate stream data layer in order to better identify streams.
- FEMA flood maps are inadequate for determining flood risk.
- Support a tax incentive not to develop in floodplains.
- Support wetland restoration and programs that offer incentives to landowners to take land out of agricultural production to restore wetland functions.

Comments - Runoff from Forestry Operations

- The state should take actions involving loggers and forestry other than skidder bridges. Most states with strong forestry industries have licensing programs that include water quality. If farmers must become certified to comply with AAPs, foresters and loggers should become certified.
- Personal observation suggests that much of the erosion from Vermont forests is from abandoned logging roads and skid trails. We need programs that better identify these sources and offer incentives to correct them.

Comments - Private Sector Opportunities

- Vermont Organics Reclamation pays farmers for manure to create an organic line of soil amendments. It also offers a free, manure cleanup program for farmers.
- Consider harvesting strategies. Harvesting aquatic infestation of plants and anaerobic digestion, as described by Envirotax.
- Consider anaerobic digestion, aeration/manure injection systems, and harvesting phosphorus-laden aquatic infestation of lake weeds as an energy source. Consider ways to support a business enterprise that can extract phosphorus from the Lake and export nutrients to areas of need.