



TWO RIVERS-OTTAUQUECHEE

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

REGIONAL COMMISSION

Kari Dolan, Manager, Ecosystem Restoration Program
Department of Environmental Conservation Watershed Management Division
1 National Life Drive, Main 2
Montpelier, VT 05620-3522

January 17, 2014

Re: Comment Regarding Draft State of Vermont Proposal for a Clean Lake Champlain

Dear Kari,

The Two Rivers-Ottawaquechee Regional Commission appreciates the opportunity to provide comments on the 2013 draft state of Vermont Proposal for a Clean Lake Champlain. As you know, TRORC has a long history of working to ensure that the waters of the state are improved and maintained so that they remain an economic asset, as well as a part of Vermont's world-class quality of life.

Our organization is an association consisting of thirty municipalities located in east-central Vermont, which provides technical assistance and services to local, state, and federal levels of government, as well as to various organizations and businesses throughout the region. Our organization's primary goals are to advocate for the needs of our member towns, and to express our goal for building a thriving regional economy while maintaining and enhancing the region's quality of life.

The Two Rivers-Ottawaquechee Regional Commission would like to take a moment to thank the Department of Environmental Conservation Watershed Management Division for the time and effort that was dedicated to preparing the draft Proposal for a Clean Lake Champlain.

We submit the following comments with regard to the draft State of Vermont Proposal for a Clean Lake Champlain:

Particular areas that we find useful and protective of water quality are:

1. The acknowledgement that three-fourths of the 11,000 miles of roads in Vermont need erosion improvements. As was noted in the draft's reference to the recent study by the Lake Champlain Basin Program, run-off from roads (particularly unpaved roads) contributes a significant amount of suspended sediment and phosphorus in local streams and the Lake.
2. VDEC's intent to "develop, employ, and offer trainings for municipalities and other partners of the stormwater master planning protocol as a tool..."
3. The overall goal to expand regulation of stormwater discharge, as is listed on page 16 of

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the draft; and further, the Department of Environmental Conservation's intent to implement an education and outreach program, which will aid in the overall success of a clean Lake Champlain and other waters of the state.

Areas where we suggest alterations for clarity:

1. There are acronyms or program terms, such as NPDES, used in the draft without an initial explanation. Clarifying these would make the document more easily accessible to the lay person.
2. Diagrams and/or graphs would be very helpful to illustrate the percentages listed.
3. Maps of the affected areas/potential affected areas would be useful for depicting areas that would be affected by this initiative.
4. There are several typographical errors and unnecessary word duplications which should be corrected.

Areas where we suggest improvements or additions to make the draft Plan stronger:

1. The draft's "Stormwater Management" section 3.0 should be retitled to reflect that it is dealing with developed areas.
2. In section 3.1
 - The opening paragraph should relate only to state highways.
 - A "first stage" is discussed, but the proposal should attempt to correct the problem without further action.
 - In the proposal it states, "The State highway system may be addressed via a TS4 Stormwater General Permit." We are confused by the use of the word "may" in this sentence, which would indicate that this solution is not actually being proposed, but merely being considered.
 - It is not clear if this program would apply to all existing highways, just those with existing permits, or just new construction.
3. In section 3.2
 - The opening paragraph should just talk about municipal roads.
 - Again, a "first stage" is discussed, but the proposal should attempt to correct the problem without additional steps.
 - The third paragraph is excellent in terms of its specific and mandatory language.
4. In section 3.3
 - The second paragraph indicates that the proposal is just a first stage, and once again we believe the proposal should fully address the problem.
 - The proposal of a three-acre threshold of impervious surface for existing development to trigger permit coverage seems excessively high when one acre of new construction triggers the permit process. What is the rationale for this difference?
5. In section 3.4
 - The percentage of impervious land (94%) not currently subject to coverage under a permit is troubling. A brief explanation of why these lands are not subject to permit requirements would be helpful. Given the high percentage above, it seems critical to success that a *regulatory* program cover at least some of this acreage.
 - Increased stormwater master planning by communities is a laudable goal, and training as proposed is certainly needed, however there should be some form of incentive for

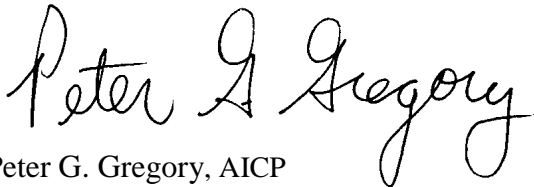
communities to undertake this program.

6. In section 4.1
 - The state has made significant progress towards addressing the hazards of riverine instability, and we support the implementation steps.
7. In section 6.3
 - We encourage the Department to continue to develop basin plans as required under Vermont law. These plans must be data driven and result in recommendations that are specific to identified problem areas and highly likely to achieve water quality benefits in the near future. Two Rivers continues to offer our assistance in the development of basin plans in our region. VDEC and regional planning commissions must find a way to link basin plans with local and regional plans adopted under 24 VSA, Section 117. Only then will basin plan actions and policies get integrated into the decision making of local government. We believe this linkage is essential.
8. In general, the draft's "implementation steps" should also include inspection time frames as well as a description of penalties for violators of issued general permits. More rigorous enforcement of permitting is not given as a mechanism; it should be, as it is imperative to ensure the success of the Clean Lake Champlain initiative.
9. A timeline should be included with the "implementation steps" associated each section.

We appreciate the opportunity to provide our input on the draft state of Vermont Proposal for a Clean Lake Champlain. We look forward to collaborating with the Department of Environmental Conservation Watershed Management Division on this and other initiatives in the future.

Please contact me if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Peter G. Gregory". The signature is written in a cursive, flowing style.

Peter G. Gregory, AICP
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