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January 17, 2014

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

Dear Kari,

I am writing to comment on the State of Vermont draft Proposal for a Clean Lake Champlain. VLCT, representing the 246 cities and towns in Vermont, has followed the discussions on Lake Champlain and its phosphorus Total Maximum Daily Load (TMDL) for many years. We look forward to working with the U.S. Environmental Protection Agency (EPA), the state, and other contributors of phosphorus in achieving a cleaner lake. However, we are aware that the cost of cleanup will be tremendous. We can't say with any certainty what our level of support for a cleanup plan might be without a cost estimate for implementation. In the forums addressing this cleanup plan that I attended, cost was the most commonly heard concern. Neither the state nor EPA can ignore the need to raise revenues to pay for these mandates, and all of our comments are colored by that concern. We do not believe that existing programs and sources will be an adequate source of funds.

We are committed to cleaning up the phosphorus in Lake Champlain, as you will see by our comments that follow. However, we also believe that the EPA and Department of Environment Conservation (DEC) must answer the questions posed by the City of Rutland:

Is there a projection of how long it will take for concentrations to stabilize and reach equilibrium in Lake Champlain after adjusting phosphorus inputs into the lake? Does this take into consideration the re-suspension of phosphorus from lake sediments?

How do you expect best management practices (BMPs) for municipal roads to be implemented? Will requirements involving major improvements and substantial capital improvements be required only when reconstructing a road?

Section 3.3 seems to target phosphorus removal and stormwater management through a one size fits all permit. How much flexibility will be allowed in highly developed areas [or provided based on the size and characteristics of a community]?

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- VLCT Health Trust, Inc.
- VLCT Municipal Assistance Center
- VLCT Property and Casualty Intermunicipal Fund, Inc.
- VLCT Unemployment Insurance Trust, Inc.

VLCT supports efforts to help farms reduce their nutrient loading to the lake and tributary streams. We urge you to include municipalities as entities supporting appropriate municipal panels and BMP implementation on farms in circumstances where municipal officials and a farmer agree to implement a strategy to reduce phosphorus discharge from a farm because it is the best use for scarce dollars in terms of reducing phosphorus discharges from the watershed.

We are very concerned about the proposal to require permits for all state and municipal roads to achieve the necessary level of pollutant reduction. What is the source of the claim that three-quarters of town roads require erosion control improvements? The state does not have enough staff to undertake such a massive program. There has been virtually no time allowed to implement the latest Town Road and Bridge Standards, nor has there been any effort that we know of to evaluate how successful the implementation of those standards will be at reducing runoff from roads. To date, nearly 130 towns have adopted the new Road and Bridge Standards, which were updated only in January 2013.

We can only speculate that implementation of a program that requires permitting of every road in the state will be tremendously expensive for the state (both as regulator and regulatee) and for municipalities. DEC will issue a stormwater general permit covering municipal roads. The permit will require development of management plans based on local road conditions including road slope, connectivity to receiving waters, and other factors that identify the type and scope of BMPs necessary for the municipality. The management plan will include an implementation schedule informed by sub-watershed phosphorus-reduction priorities. At a minimum, BMPs shall be as protective as those identified in the Town Road and Bridge Standards.

With respect to existing developed lands, it seems that many permits would need to be issued to private property owners. Yet the description of that section indicates that impervious surfaces exceeding 15 acres in aggregate and with a density of greater than seven percent will be addressed via a general permit issued to the municipality. Would the municipality then be responsible for securing compliance from private property owners? How would this work? How would municipalities be compensated for taking on that substantial responsibility?

We support the proposed stormwater master planning protocol as a mechanism to encourage municipalities, on a voluntary basis, to reduce stormwater runoff from impervious surfaces in non-municipal separate storm sewer system towns and to give them the technical assistance and tools to accomplish that objective.


We have been interested in the work products of the Green Infrastructure Council. We note that the four audiences for the Green Stormwater Infrastructure Strategic Plan include design professionals, municipalities, property owners, and state agencies, but that only state agencies are represented on the Green Infrastructure Council. It would be helpful to include representatives of each of those entities on the council in order to secure the most buy-in for the initiatives proposed in the plan. Such inclusion has been pursued in the revision of the Stormwater Management Manual.

Efforts to minimize floodplain erosion and encroachment are key to reducing runoff into the lake

and are very difficult to accomplish. We endorse the department's regulation of activity currently exempt from municipal regulation and its plan to expand its river corridor mapping program and to establish best management practices that may be undertaken by municipalities, private businesses and residents. We believe that mapping, education programs, and technical assistance will provide the data, model bylaws, practices, and as understanding necessary to achieve Vermonters' buy-in of best practices.

VLCT is committed to working with DEC and EPA to develop an effective, equitable, and affordable strategy for cleaning up the lake. Thank you for the opportunity to comment and for your extensive discussions with local government officials on this draft.

Sincerely,

A handwritten signature in cursive script that reads "Karen B. Horn".

Karen B. Horn, Director  
Public Policy and Advocacy