

Clean Water Initiative: Major Statutory and Lake Champlain Phosphorus TMDL Phase I Plan Deliverables

*** The light blue-shaded tasks are milestones specified in the Lake Champlain TMDLs Accountability Framework – the guide containing required tasks for monitoring progress in the restoration of Lake Champlain*

Agency	KEY TASK	DEADLINE	UPDATE	RECURRING?
ANR/DEC, AAFM, VTrans, ACCD, Administration	Establish a Clean Water Fund Support Office of the State Treasurer Legislative Report on Clean Water Funding	Act 64: 06/16/2015 established fund; Legislative report due 1/15/2017; Legislative action anticipated by 6/2017	Established Fund; Requires legislative action to sustain fund beyond 6/30/2018; Legislative Report by State Treasurer on clean water funding options completed (1/15/2017); New legislative target date to select revenue sources to sustain Fund: 6/30/2017	No
ANR/DEC	Develop Clean Water Fund budget	June, 2017	FY16 & FY17 appropriated; FY18 budget proposed as part of state budget process; Next step: legislative budget approval and appropriations process	Annually
ANR/DEC	Develop Stormwater Management Practices Handbook for sub-jurisdictional activities	Act 64: 1/1/2016	Completed web-based materials and hard copy; New target date to publish handbook: 3/1/2017	No
ANR/DEC, AAFM	ANR and AAFM shall each develop 3 performance measures relating to MOU	Act 64: 7/1/2016	Part of MOU update process and based on Results Based Accountability measures that are under development; New Target Date: 1/31/2017	No
ANR/DEC, AAFM	Develop ANR/AAFM MOU regarding the concentrated animal feeding operation (CAFO) program and relationship with state large, medium and small farm operations (LFO, MFO and SFO, respectively), enforcement and implementation	Act 64: 7/1/2016	Integrating three MOUs (CAFO, enforcement, nonpoint source pollution) into one MOU; Schedule for revision and MOU under development; Anticipate public comment period in December, 2016; New Target Date: 1/31/2017	No

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ANR/DEC, AAFM	Develop ANR/DEC and AAFM MOU relating to AAFMS's request to ANR to take enforcement action to enforce 6 V.S.A. Ch. 215.	Act 64: 7/1/2016	Integrating three MOUs (CAFO, enforcement, nonpoint source pollution) into one MOU; Schedule for revision and MOU under development; New Target Date: 1/31/2017	No
ANR/DEC, AAFM	Update Water Quality Standards Anti-Degradation Implementation Rule	Act 64: 7/1/2016	VT Water Quality Standards rule completed and approved on 11/17/2016; anti-degradation rule to be completed in 2017; Champlain TMDL deadline: 12/30/2017	No
ANR/DEC, AAFM, VTrans, ANR/FPR	Update Phase 1 Plan to reflect final Lake Champlain Phosphorus TMDL and how basin plans will be used for TMDL implementation and hold 30-day public comment period	Act 64: Three months following release of final TMDL; Deadline: 9/15/2016	Completed; Responsiveness Summary under development; New Target Date: 1/31/2017	No
ANR/DEC, AAFM	Develop accounting and tracking system including ability to estimate phosphorus load reductions achieved by TMDL implementation activities at the BMP level and documentation protocol to describe methods used to estimate pollutant load reductions	Champlain TMDL deadline: 12/30/2016	Completed; incorporated EPA's phosphorus tracking tool into project data base; in partnership with Keurig and the Nature Conservancy, online mapping system under development; Target Date: 12/30/2017	No
ANR/DEC	Prepare and maintain management plan to assure that the State is meeting water quality standards and include a schedule for updating basin plans	Schedule: 2015: 2 Plans 2016: 2 Plans 2017: 3 Plans 2018: 3 Plans 2019: 3 Plans 2020: 2 Plans	Tactical basin plans scheduled for 2015 and 2016 completed. Statewide Strategy undergoing revision; Lake TMDL Phase 1 plan includes release schedule of tactical basin plans	Schedule for issuance of tactical basin plans in Lake TMDL Phase 1 Plan
ANR/FPR	Revise by rule the Acceptable Management Practices for Maintaining Water Quality on Logging Jobs (Act 64, Sec. 49)	Champlain TMDL deadline: 12/30/2016	Completed and in effect on 10/22/2016. Next step is to complete the AMP guide. Anticipated deadline: 12/30/2017	No

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ANR/DEC, AAFM	Revise ANR/DEC/AAFM MOU for the agricultural nonpoint source program	Champlain TMDL deadline: 12/30/2016	Integrating three MOUs (CAFO, enforcement, nonpoint source pollution) into one MOU; Schedule for revision and MOU under development; New Target Date: 1/31/2017	No
ANR/DEC	Update Vermont Stormwater Management Manual	Champlain TMDL deadline: 12/30/2016	Completed; manual becomes effective on 7/1/2017; application and outreach materials to support new manual under development	No
AAFM, ANR/DEC	Report to Legislature on meeting agricultural nonpoint source pollution MOU performance measures	Act 64: 1/15/2017	Integrating three MOUs (CAFO, enforcement, nonpoint source pollution) into one MOU; Schedule for revision and MOU under development; New Target Date: 1/31/2017	1/15/2017 and annually thereafter
AAFM, ANR/DEC	Submit report to legislature on current scientific research and recommendations to amend RAPs to reduce nutrient contributions from tile drainage	Act 64: 1/15/2017	Under development; new deadline: 1/31/2017; Champlain TMDL deadline: 12/30/2017	No
ANR/DEC, AAFM	Report to Legislature on the execution of the Phase I Implementation Plan for the Lake Champlain TMDL	Act 64: 1/15/2017	Completed and integrated into the Clean Water Initiative Annual Investment Report	1/15/2017, and every four years thereafter
AAFM	As part of the Small Farm Certification Program, Farms are to certify for compliance with RAPs	Act 64: 7/1/2017	--	7/1/2017 and annually thereafter
ANR/DEC	Issue Municipal Roads General Permit	Champlain TMDL deadline: 12/30/2017	On track; draft standards developed; outreach to municipalities underway	No
ANR/DEC	Adopt rules to manage stormwater runoff, including technical standards and BMPs	12/31/2017	Draft under development; stakeholder process will be held in 2017	No
ANR/DEC	Issue Stormwater general permit for impervious surfaces equal to or greater than 3 acres	Champlain TMDL deadline: 12/30/2017	Under development; stakeholder process to be held in 2017	No
ANR/DEC	Complete Update of Tactical Basin Plans (Phase 2 Implementation Plans) for Poultney, Mettowee and Lower Lake Champlain basins	Champlain TMDL deadline: 12/30/2017	--	To be updated using Tactical Basin Planning five year cycles

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ANR/DEC	Update existing regulated municipal MS4 permits to include Phosphorus Control Plan requirements that are consistent with the TMDLs' targets	Champlain TMDL deadline: 12/30/2017	Under development; stakeholder process to be held in 2017	No
AAFM	Target funding for agricultural BMP and Nutrient Management Plan implementation for Missisquoi Bay, St. Albans Bay & South Lake	Champlain TMDL deadline: 12/30/2017	Underway	Likely; Need remains
AAFM	Complete education, outreach & compliance activities with farms in the Missisquoi Bay watershed per Section II,6 of Secretary of AAFM 2/3/2016 decision	Champlain TMDL deadline: 12/30/2017	Underway	No
AAFM	Commence notification of affected farms about the Assessment and Plan process, per Section II,6 of Secretary of AAFM 2/3/2016 decision	Champlain TMDL deadline: 12/30/2017	--	No
ANR/DEC, AAFM, VTrans, ACCD, Administration	Establish long-term revenue source to support water quality improvement via the Clean Water Fund	Champlain TMDL deadline: 12/30/2017	Requires legislative decision-making in Leg. Session 2017 to establish revenue source for FY19 budget	No
AAFM	Revise RAPs to include requirements to reduce nutrient pollution from tile drains and other priority actions (Act 64, Sec. 4)	Act 64: 1/15/2018	--	No

COMPLETED Clean Water Initiative Deliverables

Agency	KEY TASK	DEADLINE	UPDATE	RECURRING?
AAFM, ANR/DEC	Submit interim progress report to legislature on impacts from tile drainage	Act 64: 1/15/2016	Report completed	No
ANR/DEC	Report on lowering the impervious surface regulatory permitting threshold from one acre to 1/2 acre	Act 64: 1/15/2016	Report completed	No
ANR/DEC	Report to Legislature on Basin Planning Progress	Act 64: 1/15/2016	Report completed	1/15/2016 and annually thereafter
ANR/DEC	Report to Legislature on land application of septage and sludge	Act 64: 1/15/2016	Report completed	No
ANR/FPR	Report to legislature on recommendation on how to implement forestry AMPs as mandatory practices, how to enforce AMPs, whether maple syrup production should be enrolled in UVA as managed forestland	Act 64: 1/15/2016	Report completed	No
ANR/DEC	Report on activities and progress of water quality ecosystem restoration programs	Act 64: 2/1/2016	Report completed	2/1/2016 and annually thereafter
ANR/DEC	Develop TMDL implementation tracking system at ANR/DEC with ability to estimate phosphorus load reductions achieved by TMDL implementation activities	Act 64: 6/1/2016	Tracking System completed	No
ANR/DEC, AAFM, VTrans	Develop databases to consistently track TMDL implementation activities achieved through regulatory and funding programs across agencies, and link databases with ANR/DEC TMDL implementation tracking system	Champlain TMDL deadline: 12/30/2016	Databases completed	No
ANR/DEC	Update Combined Sewer Overflow (CSO) Rule	Champlain TMDL deadline: 12/30/2016	Rule completed	No

Agency	KEY TASK	DEADLINE	UPDATE	RECURRING?
AAFM	As part of revisions to Required Agricultural Practices (RAP; formerly "Accepted agricultural practices or AAP), adopt by rule requirements for training classes or programs for farmers	Champlain TMDL deadline: 12/30/2016	RAPs completed; effective date: 12/05/2016	No
AAFM	As part of RAP revisions, adopt by rule a custom applicator certification program for operating in VT (Act 64, Sec. 16)	Champlain TMDL deadline: 12/30/2016	RAPs completed; effective date: 12/05/2016	No
AAFM	Adopt small farm certification program	Champlain TMDL deadline: 12/30/2016	RAPs completed; effective date: 12/05/2016	No
AAFM	Revise AAPs to improve water quality in the state and implement the small farm certification program	Champlain TMDL deadline: 12/30/2016	RAPs completed; effective date: 12/05/2016	No
AAFM	Develop a matrix and small farm template for nutrient management planning	Champlain TMDL deadline: 12/30/2016	RAPs completed; effective date: 12/05/2016	No
AAFM	Establish livestock exclusion standards to prevent erosion and water quality impacts (Act 64, Sec. 4)	Champlain TMDL deadline: 12/30/2016	RAPs completed; effective date: 12/05/2016	No
AAFM	Establish a training program and schedule for all farmers to complete training	Champlain TMDL deadline: 12/30/2016	RAPs completed; effective date: 12/05/2016	No
ANR/DEC	Complete Update of Tactical Basin Plans (Phase 2 Implementation Plans) for Lamoille and Missisquoi basins	Champlain TMDL deadline: 12/30/2016	Completed and approved on 12/2016	To be updated using Tactical Basin Planning five year cycles
ANR/DEC	Issue TS4 Permit for VTrans State roads and VTrans non-road developed lands	Champlain TMDL deadline: 12/30/2016	Completed; effective 12/28/2016	No
ANR/DEC, Office of the State Treasurer	Report to the Legislature on Financing of Statewide Clean Water Improvement (in partnership with Office of State Treasurer, Dept. of Taxes, AAFM, VTrans, ACCD)	Act 64: 1/15/2017	Held 23 stakeholder and public meetings; completed and released on 1/15/2017	No

Key

AAFM: Agency of Agriculture, Food and Markets

ACCD: Agency of Commerce and Community Development

ANR: Agency of Natural Resources

DEC: Department of Environmental Conservation at ANR

CAFO: Concentrated animal feeding operation

FPR: Forests, Parks and Recreation Department at ANR

LFO: Large Farm Operations Program at AAFM

MFO: Medium Farm Operations Program at AAFM

MOU: Memorandum of Understanding

RAPs: Formerly Accepted Agricultural Practices; now referred to as Required Agricultural Practices

SFO: Small Farm Operations Program at AAFM

TMDL: Total Maximum Daily Loads

TS4: Transportation Separate Storm Sewer System General Permit, Issued by ANR/DEC

VTrans: Vermont Agency of Transportation