



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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FEB 15 2017

Julie Moore, Secretary
Vermont Agency of Natural Resources
1 National Life Drive, Davis 2
Montpelier, VT 05620-3901

Anson Tebbetts, Secretary
Vermont Agency of Agriculture, Food and Markets
116 State Street
Montpelier, VT 05620-2901

Dear Secretary Moore and Secretary Tebbetts:

Congratulations on your appointments to lead your agencies. EPA has enjoyed a very productive and collaborative working relationship with both of your agencies and looks forward to continuing this collaboration in the years ahead.

As you know, in June, 2016 EPA established the final phosphorus Total Maximum Daily Loads (TMDLs) for the Vermont Segments of Lake Champlain and transmitted them to the State for incorporation into Vermont's current Water Quality Management plan (also referred to as Vermont's Surface Water Management Strategy). The TMDLs included an Accountability Framework in which EPA identified 16 key milestones for 2016 in Vermont's Phase 1 Implementation Plan that were crucial to the long-term success of implementing the TMDLs. EPA promised an interim "report card" assessing Vermont's success in meeting these key milestones.

EPA has assessed Vermont's progress in meeting these milestones by actively providing input in the development of some of the deliverables and providing formal and informal comment on drafts of others. This has provided EPA with the opportunity to assess the adequacy of the content as well as the timeliness of these actions. EPA has also relied on information contained in the "Spending Plan Capacity Report for the Phosphorus TMDLs for Vermont Segments of Lake Champlain" that was submitted to EPA on December 30, 2016. Appendix B in the report provides a good summary of Vermont's progress in 2016 and highlights the measures that were included in the Accountability Framework.

EPA's overall assessment is that Vermont has made excellent progress in achieving the milestones in the Accountability Framework. Thirteen of sixteen milestones were completed by December 30, 2016. Of the three remaining milestones, two are planned for completion this month (the development of the matrix and template for nutrient management planning and revision of the Agency of Natural Resources/Agency of Agriculture, Food and Markets (AAFMM)

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Memorandum of Understanding for the agricultural nonpoint source program) and the other was rescheduled to 2017 in the final version of the Phase 1 Plan (the livestock exclusion incentive program). A summary of the status of each of the milestones is included in Attachment A.

EPA appreciates the significant effort your agencies made in satisfying the 2016 implementation milestones. The State still has a lot of work ahead in 2017 (including completion of the milestones from the 2016 commitments) so we urge you to continue the strong momentum you generated in 2016. EPA will continue to provide technical support and input and comment on the rules and permits that will be developed to meet the 2017 milestones. EPA's final report card on the first phase of implementation will be issued in early 2018 based on progress through December, 2017.

Thank you again for a very successful implementation effort in 2016. If we can be of additional assistance in the year ahead, please don't hesitate to ask.

Sincerely,



Deborah A. Szaro
Acting Regional Administrator

cc: Joe Flynn, Secretary, Vermont Agency of Transportation
Pete LaFlamme, Vermont Department of Environmental Conservation
Laura DiPietro, Vermont Agency of Agriculture, Food and Markets

Attachment A

Status of 2016 Milestones in Accountability Framework in Lake Champlain TMDLs

Status	2016 Milestone
√ 12/2016	Required Agricultural Practices (RAP) revisions adopted (Act 64, Sec. 4)
√ w RAPs	Small Farm Operation certification program rule adopted (Act 64, Sec. 3)
Exclusion in place w RAPs; incentive program rescheduled	Livestock exclusion incentive program in place (Act 64, Sec. 4) Livestock exclusion requirements are in place as part of the RAPs. The incentive program to accelerate compliance was originally scheduled for 2016; in the Final Phase 1 Implementation Plan, this incentive program was delayed to 2017.
Partially completed via RAPs; remaining portion expected 2/2017	Develop matrix and small farm template for nutrient management planning Note: The development of the nutrient management planning matrix and template has been completed in part through adoption of the RAPs (which establish which small farms will need full nutrient management plans) and the nutrient management template aspect is included in the new AAFM Manure Applicator Program, which is planned to be released later this month.
√ 12/2016	Develop Environmental Stewardship Incentive program in priority watersheds. Note: The VT Environmental Stewardship Program (VESP) was created in 2016 and enrollment is open for a pilot phase.
√ w RAPs	Mandate certification of custom manure applicators (Act 64, Sec. 16)
√ w RAPs	Develop requirements for farmer training programs (Act 64, Sec. 15)
√ 12/2016	Issue Final State Transportation Separate Storm Sewer System (TS4) permit
√ 12/2016	Adopt final Vermont Stormwater Management Manual
√ 10/2016	Forestry Acceptable Management Practices revisions completed (Act 64, Sec. 49)
√ 6/2015	Legislature establishes Clean Water Improvement Fund (completed by passage of Act 64)
√ 12/2016	Tactical Basin Plans (Phase 2) complete for Lamoille and Missisquoi basins
√ 12/2016	Updated Report to EPA with spending plan capacity
√ 9/2016	Issue new Combined Sewer Overflow (CSO) Rule, replacing 1990 CSO Control Policy
√ 12/2016	Develop comprehensive TMDL implementation tracking and reporting system. Note: The State completed and began using the system in December. The system will continue to be enhanced in 2017.
Public comment closed 1/20/17; completion expected by 2/28/17	Revise the Agency of Natural Resources/Agency of Agriculture, Food and Markets Memorandum of Understanding for the agricultural nonpoint source program