

## Vermont Clean Water Board Meeting Minutes

Date/Time: Wednesday, August 5, 2020, 10:00 a.m. – 11:00 a.m.  
Location: Microsoft Teams Meeting

### **Clean Water Board Members/Designees:**

Susanne Young, Agency of Administration (AoA) Secretary and Clean Water Board Chair  
Chris Cochran on behalf of Ted Brady, Agency of Commerce and Community Development (ACCD)  
Deputy Secretary  
Bob Flint, public member  
Joe Flynn, Agency of Transportation (VTrans) Secretary  
James Giffin, public member  
Christopher Louras, public member (absent)  
Julie Moore, Agency of Natural Resources (ANR) Secretary  
Anson Tebbetts, Agency of Agriculture, Food and Markets (AAFM) Secretary  
Chad Tyler, public member

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### **1. Welcome**

- a. The Chair, Secretary Susanne Young convened the meeting at 10:00 a.m. and reviewed the agenda. No action taken.
- b. Secretary Young entertained a motion to approve prior meeting minutes from May 21, 2020. Motion to approve minutes passed.

### **2. Review Revised Clean Water Fund Operating Statement**

ANR Director of Finance and Administration Emily Byrne reviewed the Clean Water Fund operating statement. Actual State Fiscal Year (SFY) 2020 revenue to the Clean Water Fund was approximately \$12.9 million, which was approximately \$1 million more than anticipated during the supplemental budget adjustment but still less than the original SFY 2020 budget as passed. There is approximately \$1 million of unallocated/unreserved funds from SFY 2020 that will be available for SFY 2021. No action taken.

### **3. Review and Approve Revised SFY 2021 Clean Water Budget**

- a) ANR Secretary Julie Moore reviewed the revised SFY 2021 clean water budget process. No action taken.
- b) Secretary Moore reviewed the plan to revise the SFY 2021 Clean Water Fund-portion of the clean water budget following the Emergency Board's August 12<sup>th</sup> revenue forecast update. There will be no changes to the Capital Bill-portion of the clean water budget. Emily Bird has led a process with the interagency finance team to define a set of guiding principles for the budget revision. Guiding principles are outlined in a separate document, to be posted with the meeting materials.
  - Discussion in response to questions clarified that each agency will take the percent reduction from the revenue forecast and then individually decide how to allocate reductions across its agency's line items. Each agency will use these guiding principles to prepare its budget recommendation. The interagency finance committee can share the budget recommendations back to the Board. The guiding principles were not listed in priority order but were listed with full funding recommendations first.
  - A motion to approve an across-the-board reduction at agency-level, with agencies recommending how to apply reductions among line items using guiding principles passed.

- c) Secretary Moore discussed an update to the Clean Water Fund Contingency Plan. In May 2020, the Board passed an amendment to the June 2018 contingency plan addressing COVID-related budget planning for the SFY 2021 first quarter budget. The budget process has changed since May, and the original June 2018 Clean Water Fund Expenditure Contingency Plan is recommended for SFY 2021.
- In response to questions as to whether the Board would build a stronger reserve amount as finances permit, Secretary Moore responded that the Clean Water Board had previously approved a contingency reserve of \$500,000. The Clean Water Fund has diverse income streams, which allowed for a modest contingency and more funding to be used for clean water projects on the ground. The Board had not anticipated the pandemic's impact on the economy. The topic of an expanded reserve can be explored at another Board meeting if there is interest.
  - Motion to approve the use of the original Contingency Plan with a contingency reserve of \$500,000 for SFY 2021 passed.

#### **4. Review Draft SFY 2022 Clean Water Budget Process**

Department of Environmental Conservation Clean Water Initiative Program Manager Emily Bird reviewed the draft SFY 2022 clean water budget process. The process follows typical steps, although it is starting slightly later this year due to COVID impacts on other budget planning. The process is subject to change, pending COVID impacts on budget planning.

#### **5. Public Comments**

Secretary Young welcomed input from the public. Written comments will also be accepted until 4:30 p.m. on Wednesday, August 5, 2020.

- Jill Arace requested that the memo on the SFY 2021 budget guiding principles be included with the meeting materials.
- Tom Berry of Senator Leahy's office shared that clean water appropriations, such as the Clean Water and Drinking Water State Revolving Funds, for federal FY 2021 will likely look like appropriations for federal FY 2020. The federal infrastructure package has been delayed and will likely be addressed in the next Congress.
- Jack Widness (Federation of Vermont Lakes and Ponds) pointed out that the Federation submitted comments in a letter to the Board expressing support for Clean Water Act funding that highlighted the importance of funding for water quality monitoring for basin planning and understanding lake water quality and asked that the letter be delivered to the Board.
- Written comments submitted by 4:30 p.m. on August 5, 2020 are attached.

#### **6. Determine Next Steps, Closing Remarks**

Secretary Young thanked all attendees for their time and comments. She also thanked the Board for their continued flexibility during the challenges of the pandemic.

- Secretary Young welcomed discussion on how to communicate the forthcoming budget proposal to the Board. After discussion, it was decided that Board members would receive the SFY 2021 budget proposal as soon as it is completed with the consensus forecast to be determined on August 12, and that the legislature would be informed that the Board approved the guiding principles applied to the allocations and had an opportunity to review the proposal and to comment before it was submitted.

#### **7. Adjourn**

**11:00 am**

Secretary Young entertained a motion to adjourn. Motion to adjourn passed.

Supporting Materials:

1. August 5, 2020 Clean Water Board Virtual Meeting Ground Rules
2. May 21, 2020 Draft Clean Water Board Meeting Minutes
3. Draft-Revised Clean Water Fund Operating Statement
4. Revised SFY 2021 Clean Water Budget Process
5. Draft-Revised SFY 2021 Clean Water Budget Template
6. June 1, 2018 Clean Water Fund Expenditure Contingency Plan
7. Draft-Revised SFY 2022 Clean Water Budget Process

DRAFT

**From:** Widness, John <john-widness@uiowa.edu>  
**Sent:** Tuesday, August 4, 2020 7:39 AM  
**To:** ANR - Clean Water VT  
**Cc:** Donald L Weaver; Christine Cano; bove ann; Susan Martin; Jay J. White; Sprague, Jacqueline  
**Subject:** Federation of Vermont Lakes and Ponds comments for the Wednesday, August 5, 2020 at 8:00 am Clean Water Board Meeting

**EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.**

To Whom it May Concern:

The Federation of Vermont Lakes and Ponds (FOVLAP) Board of Directors is writing to your Committees to voice our strong support that the Vermont Legislature provide full funding for the important work encompassed by Act 64 *in the FY2020-2021 budget*—even during the COVID-19 pandemic.

FOVLAP is one of the oldest non-profit stakeholders to promote Vermont water quality; the Federation of Lakes and Ponds Northeast Kingdom was founded in 1972 and became the statewide organization it is today in 2002. FOVLAP is dedicated to promoting water quality standards and the preservation and protection of Vermont's lakes, ponds and their watersheds.

FOVLAP fully endorses and supports 19 other community-based organizations and stakeholders that, like FOVLAP, that are actively involved in promoting and monitoring the health of Vermont's waters. We concur with those groups' compelling points and recommendations that support full state funding of Act 64. We call your attention to the following particular concerns and considerations:

- We are extremely disappointed in the last-minute cut of the LaRosa Partnership Program and are concerned it will lead to a water quality information vacuum this summer and beyond. Cutting this essential program and other water protection programs will have little effect on the state's bottom line, it will no doubt result in significant long-term economic, health, and environmental impacts.
- Monitoring the water quality in our water bodies provides critical knowledge of our state waters' health and safety. This includes crucial monitoring for bacteria, phosphorus, and other nutrient parameters impacting public health. Like most watershed groups, FOVLAP depends on the vitally important LaRosa Partnership Program and its indispensable analytical services as the anchor for our inland lake and pond monitoring programs. Moreover, the state depends on this information for compliance with the Federal Clean Water Act.
- Such long-term water quality monitoring data are required by state and federal laws, are fundamental to Vermont's Tactical Basin Planning process, and are essential to gauge trends over time and to alert the state to emerging issues and concerns. These data—frequently gathered at no cost by volunteer citizen scientists across this state—inform the critical need for TMDLs ("total maximum daily load") and help monitor progress towards meeting TMDL requirements and other water quality measures.

We urge your strong, timely support of the Legislature to fully fund Act 64 in the current fiscal year and beyond. Thank you for your attention on this important matter.

The Federation of Vermont Lakes and Ponds Board of Directors:

Don Weaver, President (North Lake Champlain)  
Jackie Sprague, Vice President (Harveys Lake)  
Pat Suozzi, Secretary (Lake Iroquois)  
Bruce Tanner, Treasurer (Lake Willoughby)  
Christine Cano (Shadow Lake)

Emily Porter-Goff, PhD (Franklin Watershed)

Kent Henderson (Northern Lake Champlain)

Susan S. Martin (Woodbury Lake)

Jan Parsons (Harveys Lake)

Jay White (Northern Lake Champlain)

John Widness (Lake Raponda)

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**From:** Zack Porter <zporter@clf.org>  
**Sent:** Wednesday, August 5, 2020 2:54 PM  
**To:** ANR - Clean Water VT  
**Subject:** Public Comment re: Clean Water Board Meeting on August 5th, 2020

**EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.**

Dear Clean Water Board members and ANR staff:

Thank you for an informative presentation this morning during the August 5<sup>th</sup> Clean Water Board meeting. I respectfully submit these comments for inclusion in the final minutes from today's meeting and for your consideration.

During today's meeting, Secretary Julie Moore presented [Draft SFY21 Clean Water Budget Guiding Principles](#). These principles include concerning statements about delaying or deferring programs and funding that are critical to restoring clean water in Vermont, including the 3-acre stormwater permit (required under Act 64) and standing up Clean Water Service Providers (required by Act 76).

During the conversation today, I hoped to also hear mention of the [June 25<sup>th</sup> Letter from US EPA](#) to DEC Commissioner Peter Walke re: Vermont's Phase I implementation of the 2016 Lake Champlain TMDL. In this letter, Regional EPA Administrator Dennis Deziel states that "If the State still has not issued [the Three Acre General Permit] by September 4, 2020, EPA will be forced to give the State a failing grade on the 2016 TMDL Phase 1 milestones." The letter continues:

*"The TMDL Accountability Framework identifies a range of responses which may be warranted if Vermont fails to meet its Phase 1 phosphorus reduction milestones. Those include EPA actions such as further point source (e.g., wastewater treatment plant) load reductions, expanded NPDES permit coverage for unregulated stormwater sources, and increased federal enforcement. EPA plans to begin evaluating such actions only after completing our final review."*

Based on what I heard during the CWB meeting today, and based on statements in the press and elsewhere, I am concerned that ANR is not taking action to avoid a failing grade and potential consequences referenced in the preceding paragraph.

At the next CWB meeting or before, I would appreciate an explanation from ANR staff and/or CWB members as to how the public should reconcile the "Budget Guiding Principles" with this threat of a failing grade. The direction of the budgeting process does not currently appear to be rising to the challenge put forward by EPA. Are we to accept failure? Investing in clean water is not only legally mandated, it is the right thing to do for our kids and grandkids and is an essential part of stimulus and recovery from our current COVID-19-induced economic and public health crisis.

Thanks for your consideration and I welcome further communication.

Sincerely,

Zack

**Zack Porter**

Lake Champlain Lakekeeper  
Conservation Law Foundation  
*Pronouns: he/him/his*

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