

Mike Ferrant

From: James Ehlers <jamesehlersvt@gmail.com>
Sent: Tuesday, October 4, 2022 12:27 PM
To: Mike Ferrant
Subject: [External] Fwd: Vermont Water Quality Standards Testimony

[External]

----- Forwarded message -----

From: James Ehlers <jamesehlersvt@gmail.com>
Date: Tue, Oct 4, 2022 at 12:23 PM
Subject: Vermont Water Quality Standards Testimony
To: charlene@leg.state.vt.us <charlene@leg.state.vt.us>
Cc: James Ehlers <jamesehlersvt@gmail.com>

Members of Legislative Committee on Administrative Rules:

We are reminded by the Congressional Research Service in its 2016 report to the members of Congress *Clean Water Act: A Summary of the Law (October 18, 2016)* that "The 1972 legislation [Clean Water Act] declared as its objective the restoration and maintenance of the chemical, physical, and biological integrity of the nation's waters. Two goals also were established: zero discharge of pollutants by 1985 and, as an interim goal and where possible, water quality that is both "fishable" and "swimmable" by mid-1983. While those dates have passed, the goals remain, and efforts to attain them continue."

We are informed by the Environmental Protection Agency's (EPA) *Water Quality Standards Handbook: Chapter 1: Water Quality Criteria, Section 4 State and Tribal Authority, Subsection 1* that "General Provisions Under Section 303(c) of the CWA [Clean Water Act], states and authorized tribes are responsible for reviewing, revising, and adopting WQS [Water Quality Standards] and submitting such WQS to the EPA for review and approval or disapproval. Consistent with Section 510, states and tribes may develop WQS more stringent than required by the CWA and the EPA's implementing regulations at 40 CFR Part 131."

It is incomprehensible, given the myriad of indicators demonstrating the ongoing degradation to the waters of our state, that the Agency of Natural Resources (ANR) would neglect its responsibility to protect, restore, and enhance said waters, to include wetlands, for Vermonters by declining to develop more stringent standards than required by the EPA, particularly when it is well known that EPA requirements are, in most cases, the lowest common denominator, if any requirement exists at

all. Why we would allow ANR to hide behind standards acceptable in Texas, Florida, New Jersey or any other state beset with environmental tragedy is unacceptable.

I implore you to return the Water Quality Standards to the Agency of Natural Resources Secretary and require that her Agency use best available science to set criteria protective of Vermont's public, environmental, and economic health, particularly with regard to cyanobacteria, PFAS, pharmaceutical byproducts, and pesticides prior to Legislative Committee on Administrative Rules (LCAR) approval. The EPA authorizes as much, but more importantly, the people of Vermont demand it. The current iteration of standards presented to you hardly represents Vermont's best effort to effect zero discharge of pollutants and water quality that is both "fishable" and "swimmable." We have been patiently waiting for nearly 40 years, and we deserve better. History does not accept excuses. The Vermonters of today and tomorrow are counting on you.

Thank you in advance for your consideration.

On behalf of those downstream,

James Ehlers

Lake Champlain International

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Mike Ferrant

From: Alice Evans <aevans@gmavt.net>
Sent: Wednesday, October 5, 2022 7:40 AM
To: Mike Ferrant
Subject: [External] Water Quality Standards

[External]

Please record my support of James Ehlers' testimony as submitted yesterday (Oct. 4, 2022) *via* e-mail. I endorse Ehlers' remarks on the history of WQS, and urge Vermont legislators to make Vermont water quality standards the most stringent in the nation, sufficiently so that our state's waters are "fishable" and "swimmable," in the language his message references.

Thank you from a Waitsfield voter, Alice M. Evans

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Mike Ferrant

From: Ross Conrad <dancingbhoney@gmail.com>
Sent: Tuesday, October 4, 2022 5:19 PM
To: Mike Ferrant
Subject: [External] Vermont Water Quality Standards Testimony

[External]

To Whom It May Concern,

Please note that the solitary focus on phosphorous when it come to water quality misses out on a huge number of toxic chemicals, pesticides and industrial toxins that find their way into our waters and are a threat to Vermonters. As such I am writing to express my strident support of the testimony provided by James Ehlers. We need to do much more to protect Vermont's waters and the Legislative Committee on Administrative Rules are in a position to make this happen. PLEASE DO.

--

Bees be with you,
Ross Conrad (he, him, his)
Dancing Bee Gardens
PO Box 443
Middlebury, VT 05753
802-349-4279 (cell)
www.dancingbeegardens.com

"The point is that the relative freedom which we enjoy depends on public opinion. The law is no protection. Governments make laws, but whether they are carried out, and how the police behave, depends on the general temper in the country. If large numbers of people are interested in freedom of speech, there will be freedom of speech, even if the law forbids it; if public opinion is sluggish, inconvenient minorities will be persecuted, even if laws exist to protect them." - George Orwell: 'Freedom of the Park' - First published: *Tribune*. - GB, London. - December 7, 1945.

"We don't have to engage in grand, heroic actions to participate in the process of change. Small acts, when multiplied by millions of people, can transform the world." - Howard Zinn

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Mike Ferrant

From: John Barrows <johnbarrowsvt@gmail.com>
Sent: Tuesday, October 4, 2022 4:47 PM
To: Mike Ferrant
Subject: [External] VT Water Quality Standards Testimony

[External]

Members of Legislative Committee on Administrative Rules:

The current Administrative Rules allow pollution of Vermont waters.

The ANR has been giving out permits that promote pollution instead of limiting pollution. The current standards have far too many exceptions and interpretations. The big dairy industry continues to deliver too much phosphorus and pesticides and fertilizers into our streams and lakes. Progress has been made in the last 10 years but limiting phosphorus and pesticide levels for big dairy still has a long way to go to achieve drinkable and fishable waters. The state should be purchasing and preserving the sensitive farmland (wetlands, sloping areas, areas near waterways, etc.) that are currently polluting and return them to their natural state. The 1972 Clean Water Act should be enforced.

Many WWTFs still release raw sewage during large rainfall events. Funding should be prioritized to fix this problem.

Toxic leachate from the Casella landfill in Coventry is dumped into VT waters via a Waste Water Treatment Facility that does not remove thousands of different types of contaminants. South Bay in Lake Memphremagog is a toxic cesspool. The Brown Bullhead have cancer documented by a USGA report by Dr Vicki Blazer in 2018. It needs to have a major cleanup. The problems with the Casella landfill and South Bay are huge and embarrassing.

The state should be purchasing and preserving the sensitive farmland (wetlands, sloping areas, areas near waterways, etc.) that are currently polluting and return them to their natural state. The 1972 Clean Water Act should be enforced.

But the Administrative Rules allow the pollution to continue.

Thank you,

John Barrows

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Mike Ferrant

From: DJZeller <djzeller@aol.com>
Sent: Tuesday, October 4, 2022 4:43 PM
To: Mike Ferrant
Subject: [External] Clear Water Act

[External]

I completely support James Ehlers' Testimony!!!!
Diane J Zeller

Sent from my iPhone

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Mike Ferrant

From: James Maroney <maroney.james@gmail.com>
Sent: Tuesday, October 4, 2022 3:10 PM
To: Mike Ferrant
Cc: James Ehlers; Sylvia Knight; VT Military Poisons Project
Subject: [External] Vermont Water Quality Standards Testimony

The State of Vermont has supported conventional dairy farmers in Vermont by issuing them NPDES permits even as the evidence accumulates that conventional dairy is the largest contributor to pollution in Lake Champlain. Moreover, we now know that the dairy industry is responsible for 16% of the state's GHG emissions and the largest in Addison County.

Conventional farmers deploy three practices that pollute the lake and the atmosphere, which are in the order of their importance:

The importation and feeding of +/-600,000 tons of conventionally raised feed supplements
The importation and application of +/- 40,000 tons of artificial petroleum-derived fertilizer
The housing of more than one cow for every three acres under management on which that cow's feed is harvested and her manure is spread.

These three practices are not mentioned let alone regulated in the RAPs or in Act 64 Vermont's so-called "Clean Water Law." It is difficult not to see purpose at the root of this omission. But virtually everyone can see that since the 1960s when Vermont first acknowledged that dairy had responsibility for a large portion of lake pollution and initiated dozens of laws and rules intended on their faces to "save agriculture and protect the lake," lake pollution attributable to dairy has been either unaffected or increased steadily.

The 2015 TMDL tasked "agriculture" which is a euphemism for conventional dairy, to reduce its contributions to lake pollution by 66%. Today the industry has managed to reduce its contribution by 11%, which is admittedly not nothing but rather closer to nothing than 66%. The GWSA mandates that the state reduce GHG emissions 26% by 2025, 40% by 2030 and 80% by 2040. These targets are unquestionably draconian but they will never be met unless and until the state bans conventional agriculture and provides dairy farmers a meaningful incentive to convert to organic.

James H. Maroney, Jr.
1033 Bullock Road
Leicester, VT 05733
(802) 236-7431

Mike Ferrant

From: Jennifer Decker <galloway.jennifer@gmail.com>
Sent: Tuesday, October 4, 2022 2:54 PM
To: Mike Ferrant
Subject: [External] Water quality

[External]

Good afternoon,

I fully support James Ehlers' water quality testimony sent to the Members of the Legislative Committee on Administrative Rules.

Thank you,
Jennifer Decker
Hinesburg, VT

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Mike Ferrant

From: DEBORAH ALTEMUS <daltemus1@comcast.net>
Sent: Tuesday, October 4, 2022 12:57 PM
To: Mike Ferrant
Subject: [External] Vermont Water Quality Standards : James Ehlers' testimony.

[External]

I support James Ehler's testimony to the committee. Clean, swimmable and fishable water is a human right.

Respectfully,
Deborah Altemus

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Mike Ferrant

From: Peggy Stevens <pegnericstevens@gmail.com>
Sent: Tuesday, October 4, 2022 11:40 AM
To: Mike Ferrant
Subject: [External] Re: Testimony to LCAR on Revised VT WQS

[External]

Dear M. Ferrant,

I just came across this and it seems so pertinent to discussion about VT WQS. I wondered if this could be forwarded with my testimony? If no, I fully understand.

Thank you,
Peggy Stevens

Vermont's Public Trust Doctrine

Public lakes and ponds belong to the people of Vermont - they are managed in a manner which preserves and protects a healthy ecosystem as well as guarantees the right for all to swim, fish, boat, and otherwise enjoy. This concept is referred to as Vermont's Public Trust Doctrine.

See: 3. Groundwater; Public Trust Designation by Statute

<https://legislature.vermont.gov/Documents/2020/WorkGroups/House%20Natural/Legislative%20Services%20and%20Processes/W~Michael%20Grady~Legislative%20Duties,%20Authority,%20and%20Administration%20of%20Environmental%20Law~1-24-2019.pdf>

On Tue, Oct 4, 2022 at 10:55 AM Peggy Stevens <pegnericstevens@gmail.com> wrote:

Peggy Stevens' Testimony to LCAR on Revised Vermont Water Quality Standards

October 4, 2022

Dear Representatives Squirrel, Bongartz, Higley, and Ode; and Senators MacDonald, Benning, Bray, and Lyons:

I write today to respectfully request that your Committee return the draft of proposed rules on Vermont's Water Quality Standards to the ANR for further revision. Others, including me, have commented to the ANR directly to express concern and have made similar requests and for further revision for good reason. As currently written, the language ignores established science relevant to the myriad toxic chemicals, elements and compounds that are a threat to human and environmental health and safety and leaves loopholes that invite practices that could well have disastrous and irreversible consequences. Thank you for your attention to these concerns, of which the following are a few:

- 1) The draft standards ignore the bulk of scientific research and evidence relating to the hundreds of historical and emerging chemicals of concern, including the class of thousands of PFAS chemicals, all of which are known toxins, many carcinogenic or otherwise damaging to human and environmental health, and many with no known safe level of exposure.
- 2) The language is in need of drastic revision, for example the terms "mixing zone", "assimilative capacity", and "waste management zone", all of which are a) in direct opposition

to EPA guidance when it comes to discharge of bio-accumulative toxins, many of which were referred to above, including PFAS class of chemicals;

b) imply that "dilution is the solution to pollution", a trope which has been refuted by the scientific community for a long time.

3) The clause that states that standards in place when a permit is issued are the standards that will prevail must be amended to say that the standard in place when a permit is issued will be reviewed and revised as current science updates understanding of the toxicity of any given chemical, element or compound in order to protect the health and safety of the environment, people, wildlife and aquatic species. Vermont's WQS must at least meet if not exceed EPA standards for toxic substances.

4) Environmental Justice and environmental protection demand that the ANR assume total responsibility for any and every discharge into Vermont's water bodies. The setting of standards for discharge and monitoring for the same must not be delegated to individual or corporate interests or their designee, but must be set, reviewed and revised by qualified scientific experts employed by and/or contracted with the ANR/DEC. Objective third-party expertise in the field of water quality and protection is essential to restore and maintain the public trust and faith in the ANR to protect, preserve, enhance and restore Vermont's natural resources, especially our finite water resources. Once degraded it may be impossible, or at least hugely expensive, to restore them to health.

5) Attention must be paid in these WQS to the effects of land-based pollution and residual runoff that result in pollution not only of our soils but also of our ground and surface water. For example, the spreading of biosolids is known to cause contamination of agricultural lands, crops and products derived from the same, and of the water bodies down gradient of the affected areas. The same applies to the siting and management of solid waste depositories such as landfills

6) The Precautionary Principle must take precedence in the language and practical application of Vermont's WQS. Case in point is the need to ensure that waters classified as A, of the highest quality, or B, that are drinking water reservoirs, must be protected to the nth degree for obvious reasons.

It is likely that revision of the current "revised WQS" may require review and revision of other Vermont Standards, i.e., standards for Solid Waste Management or Agricultural practices as referenced above. I urge the LCAR to take every step necessary across the board to begin this undertaking now. The future of Vermont, its people and wildlife, as well as of neighbors on all of our borders to which our waters flow, depends on your actions today. I stand ready to offer additional specific recommendations if you wish.

Peggy Stevens
Charleston, VT

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To: House Legislative Committee on Administrative Rules
From: Mark Nelson, Chair Ripton Conservation Commission
Date: October 4, 2022
Subject: 22-09 Agency of Natural Resources/Vermont Water Quality Standards

Chair MacDonald and members of the Legislative Committee on Administrative Rules. My name is Mark Nelson and I am the Chair for the Ripton Conservation Commission. I am here to testify in support of the reclassification of three headwater streams in Ripton from class B(2) to A(1).

The Ripton Conservation Commission would like to thank the Vermont Agency of Natural Resources and the Department of Environmental Conservation for considering our Petitions to reclassify Alder Brook, Blue Bank Brook, and Goshen Brook from class B(2) to A(1). These Petitions were submitted per 10 V.S.A. § 1253 "Classification of waters designated, reclassification". The Ripton Conservation Commission has worked to understand all of the requirements for stream reclassification and all of the requirements for submitting the Petitions. From May 2017 through Dec 2019, the Ripton Conservation Commission worked with members of the Vermont Department of Environmental Conservation to research, write and submit the Petitions. The Petitions were submitted in December 2019. From December 2019 through 2022, the Vermont Department of Environmental Conservation reviewed our Petitions to ensure that they were Administratively Complete and to start their Internal Procedures for Evaluating Petitions to Adopt, Amend or Repeal Surface Water and Wetland Rules. The results of this work are here before you today.

Our investigation and research has supported the water quality sampling that has been done for many years for these streams. These three headwater streams are some of the most pristine streams in Vermont and meet the requirements for A(1) classification.

Benefits of reclassifying these streams from B(2) to A(1):

- Reflects the current conditions showing excellent/very good biological and chemical health, and aquatic habitat (also protected under Vermont's Anti-Degradation Policy).
- The streams will be managed to achieve and maintain waters in their natural condition.
- Providing these streams with a higher level of protection will assist in managing our streams and wetlands in such a way as to help protect against the impacts of extreme weather events.
- Protecting headwater streams is part of Vermont's overall effort to address water pollution.

We hope that the Legislative Committee on Administrative Rules will approve the reclassification of the Alder Brook, Blue Bank Brook, and Goshen Brook streams from class B(2) to A(1). We appreciate the time and work that was required to review our petitions and to consider all of the public input. Again, we thank the Vermont Agency of Natural Resources and the Department of Environmental Conservation for considering our petitions and look forward to protecting these streams for the animals and plants that depend on them, and for the future generations of people that will enjoy them and benefit from their biological and ecological values.

Mike Ferrant

From: Karl Novak <kavon95@gmavt.net>
Sent: Wednesday, October 5, 2022 9:09 AM
To: Mike Ferrant
Subject: [External] Vermont Water Quality Standerds

[External]

I enthusiastically endorse the comments submitted by James Ellers.

Karl J. Novak

Hinesburg , Vermont

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Mike Ferrant

From: mike bald <choosewiselyvt@gmail.com>
Sent: Wednesday, October 5, 2022 10:39 AM
To: Mike Ferrant
Subject: [External] LCAR and water quality

[External]

Greetings,

Just want to say I find it really disturbing, from an ethical standpoint, that Vermont's leadership is so willing to tolerate the degradation of our waters.

I have pushed for usage reductions and elimination of pesticides for over a decade, and nothing ever happens, even as the EPA continuously backs away from the notion that these synthetic chemicals are in any way safe. Truly a Fail, an ongoing Fail, decades of Fail.

What are we waiting for?

Thanks for accepting my comment.

Mike Bald

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Mike Bald

Got Weeds?

<http://choosewiselyvt.wordpress.com>

Royalton, VT

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