

DEPARTMENT OF ENVIRONMENTAL CONSERVATION LEGISLATIVE REPORT

Report Name: PROGRESS REPORT ON RIVER BASIN WATER QUALITY MANAGEMENT PLANNING

Year: 2022

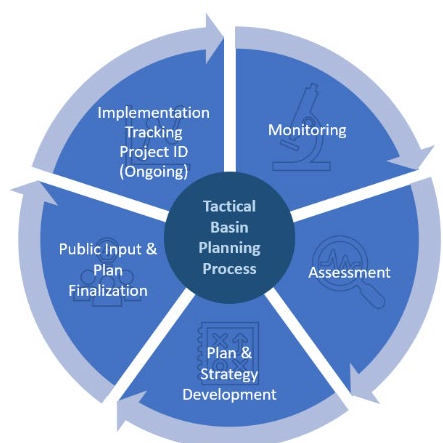
Date reported: 1/15/2023

Authorizing statute: 10 V.S.A. § 921 – 929 and 10 V.S.A. § 1253

Committees: House Committees on Agriculture and Forestry and on Natural Resources, Fish, and Wildlife and the Senate Committees on Agriculture and on Natural Resources and Energy

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Executive Summary



The [Watershed Planning Program](#) (WPP) of the [Water Investment Division](#) (WID) is charged with developing and implementing watershed management plans that summarize existing water quality conditions and associated attainment with surface water uses (such as recreation and aquatic life support), with identified priorities for surface water protection and restoration of degraded waters. Vermont state statute (10 VSA 1252) as well as the Vermont Water Quality Standards require the development of Tactical Basin Plans (TBPs) for each of Vermont's 15 river basins to be approved on a five-year iterative cycle (Fig. 1).

Figure 1. Tactical Basin Planning 5-year Cycle

Key Takeaways – WPP noted this progress in 2022:

- [Batten Kill, Walloomsac, Hoosic Tactical Basin Plan](#) approved in January 2022
- [West, Williams, & Saxtons River Tactical Basin Plan](#) approved in January 2022
- [South Lake Champlain Tactical Basin Plan](#) approved December 2022
- South Lake Champlain Final Report Card was submitted along with Vermont's [Clean Water Performance Report](#) in December 2022
- Otter Creek Basin Interim Report Card was also submitted along with Vermont's [Clean Water Performance Report](#) in December 2022

Other Helpful Links:

- [Tactical Basin specific webpages](#)
- [Tactical Basin Planning Story map](#)
- [Clean Water Initiative Program \(CWIP\)](#)

Program Work Planned for 2023 – 2025:

The Watershed Planning Program anticipates an increase in [Tactical Basin Planning development](#) and activities related to Clean Water Project development and implementation from 2023-2025. In this past year, WPP has been focused on the development of the [Lake Champlain Phosphorus TMDL "Phase 3"](#) content which describes the state's progress since 2016 towards meeting sector-specific phosphorus targets and state programmatic commitments, as well as projections of sector-specific target reductions for the next five years. In 2022, the Southern Lake Champlain Tactical Basin Plan incorporated TMDL Phase 3 content, and for 2023, the focus will be primarily on the Winooski Basin. The following Tactical Basin Plans are slated for development, review, and approval by the end of 2023:

- Winooski Tactical Basin Plan (Basin 8)
- Black and Ottauquechee Rivers Tactical Basin Plan (Basin 10)
- Memphremagog Tactical Basin Plan (Basin 17)

In these coming years, WPP will assist the Water Infrastructure Finance Program in coordinating programmatic support to provide municipalities and partner organizations with access to [Clean Water State Revolving Loan](#) (CWSRF) funding to implement priority clean water improvement projects. This will address the growing need to provide expanded access to CWSRF for nonpoint source pollution reduction through implementation of natural resource projects to meet programmatic restoration goals and TMDL pollution reduction targets.

2017 TBP Final Report Cards (also covered in the 2022 Performance Report):

Tactical basin plans (also referred to as TMDL Implementation Plans) have a five-year implementation cycle, and the TMDL Accountability Framework indicates that at the culmination of each five-year cycle, EPA will provide an assessment of state progress toward implementation goals for each plan. WPP will be submitting the interim (2.5 year) Otter Creek Report Card and final (five-year) report card for the South Lake Champlain Basin as appendices to [DEC's 2022 Annual Performance Report](#). EPA will then review the South Lake Champlain TBP final report card to determine if the state is on track toward accomplishing the five-year actions identified in the 2017 South Lake Champlain TBP Implementation Table.

Statutory Partner involvement In Tactical Basin Planning

Community and stakeholder engagement is a key component of TBP development and implementation. Local partners, including municipalities, Natural Resources Conservation districts, Regional Planning Commissions, and watershed organizations, also utilize Tactical Basin Plans to target their clean water activities/projects. There are three TBP statutory partners:

- ❖ **Vermont Association of Planning and Development Agencies** – Vermont's 11 Regional Planning Commissions (RPCs) provide planning and technical assistance to municipalities throughout the state, and work with the Agency of Natural Resources to

assist with development of Tactical Basin Plans. RPCs also work with municipalities to implement river corridor plans and assist with zoning and bylaws.

- ❖ **Natural Resource Conservation Council** – Vermont’s 14 Natural Resource Conservation Districts (NRCDs) coordinate with DEC’s team of Basin Planners to carry out a variety of projects. These include supporting opportunities for local input and prioritization on draft basin plans, organizing and supporting water quality monitoring efforts in key watersheds, and using existing basin plans to implement projects that restore or improve water quality throughout the state
- ❖ **Watersheds United Vermont (WUV)** is a state-wide network of local groups dedicated to the health of their home watersheds, and to empower community-based watershed groups in all parts of the state to protect and restore Vermont’s waters.

The WPP program worked closely with the three statutory partners to restructure how funding is allocated through the TBP support grants including increasing the funding levels from \$600,000 to \$650,000 for State FY 23, which allowed the WPP to fund 305 out of a proposed 334 individual tasks to support 14 Natural Resource Conservation Districts, 15 watershed groups and 11 Regional Planning Commissions. This Tactical Basin Planning Grant funding supported and enhanced regional coordination efforts, regional sector-based workgroups, outreach and technical assistance, municipal plan and bylaw updates, water quality monitoring and assessment, tactical basin plan development, and Basin Water Quality Council participation. In general, these funds have led to more consistent engagement and participation across all statutory partners and member organizations. These groups will be enhancing community outreach and engagement for clean water project delivery efforts. These efforts will continue to promote widespread and improved understanding of state surface water restoration requirements and in the process support diverse and sustained partner collaboration.

Watershed Planning and Clean Water Service Delivery (Act 76)

Tactical Basin Plans identify clean water goals and the strategies necessary to identify, develop and implement projects to meet these targets. These projects are catalogued in an online [Watershed Projects Database](#), which is continuously updated. Tactical Basin Planning is integral to identifying priority projects to achieve clean water targets described in clean water restoration plans, known as Total Maximum Daily Loads (TMDLs), the Vermont Clean Water Act of 2015, and the [Clean Water Service Delivery Act \(76\) of 2019](#).

The Clean Water Service Delivery Act of 2019 (Act 76) changed the administration and implementation of clean water funds in the State of Vermont. A notable change resulting from Act 76 of 2019, in terms of administering clean water funds, is the establishment of Clean Water Service Providers (CWSPs) and the Water Quality Restoration Formula Grant Program. CWSPs, for watersheds draining to Lake Champlain and Lake Memphremagog, have now been established through [rulemaking](#) as of August 12, 2021. Each CWSP is guided in its work by a Basin Water Quality Council (BWQC). Service providers and their BWQCs are now responsible for identifying, prioritizing, developing, and implementing projects to meet a five-year Progress Report on River Basin Water Quality Management Planning
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phosphorus reduction target. The service providers' phosphorus reduction targets are associated with non-regulatory activities under the Lake Champlain and Lake Memphremagog TMDLs to ensure voluntary measures (i.e., not driven by clean water regulations) will be met and TMDL targets will be achieved.

Act 76 Guidance Chapter Development

The State of Vermont finalized three Guidance Chapters after public comment as required in Act 76 § 924 (a) (3) which states "The Secretary shall adopt guidance on a clean water service provider's obligation with respect to implementation of this chapter." The Vermont DEC engaged with a mix of our statutory partners and external stakeholders in the development and review of components of draft Guidance chapters prior to public comment and final approval in 2022. In 2023 Vermont DEC will continue to develop Chapter Guidance with partners and stakeholder organizations.

Water Quality Restoration Formula Grant and Pollution Reduction Targets

The Clean Water Service Delivery Act restructures the administration and implementation of clean water funds in the State of Vermont, effective in State Fiscal Year (SFY) 2023. The Act requires that CWSPs administer the "[Water Quality Restoration Formula Grants](#)" in order to meet the phosphorus reduction targets for each of the 7 Basins that are subject to a TMDL Implementation Plan. The grant amount is based on the annual pollutant reduction goal established for the CWSP multiplied by the standard cost for pollutant reduction including the costs of administration and reporting. As of this fall (2022), the seven CWSPs now have these "Formula Grant" Agreements ranging from \$643,000 to over \$1,950,000 with targets that will collectively reduce phosphorus loading by over 500kg. These grants will serve as the funding mechanism and support both CWSPs and BWQCs in carrying out clean water improvements within their respective basins.

Discussion

The WPP, in coordination with the Clean Water Initiative Program has made significant progress in facilitating the process to administer clean water funds, which will increase non regulatory phosphorus reduction projects aligned with tactical basin plans. There is still work to operationalize the CWSP Rule and Act 76 Guidance in coordination with statutory partners and stakeholder entities as they progress with this new business enterprise under the Clean Water Service Delivery framework. In 2023, WPP will be pivoting to focus additional support to CWSPs and their respective BWQCs to maximize phosphorus reduction potential and co-benefits associated with clean water project implementation in conformance with ANR's Tactical Basin Plans. WPP is also continuing to streamline the Tactical Basin Plan development process and maximize the use the TBP support grants to allow statutory partners to engage other organizations, communities, landowners, and the public as broad awareness of our water goals are critical to successful outcomes. Additionally, WPP will continue to explore how tactical basin planning process will promote environmental benefits to environmental justice focus populations.