

Vermont Citizens Advisory Committee (VTCAC) on Lake Champlain's Future

Wednesday July 21st, 2021

9:00 am – 3:00 pm

DRAFT MEETING SUMMARY

Committee Members Present: Mark Naud (Chair), Sen. Chris Bray, Sen. Randy Brock, Eric Clifford, Wayne Elliott, Bob Fischer, Lori Fisher, Rep. Carol Ode, Denise Smith, Hilary Solomon, Jeff Wennberg

Committee Members Absent: none

LCBP Staff in Attendance: Sarah Coleman (VTANR), Katie Darr, Colleen Hickey, Lauren Jenness

Speakers: Jim Brangan, Neil Kamman, Oliver Pierson, Sarah Coleman

Meeting summary by Katie Darr, Lake Champlain Basin Program (LCBP)

9:00 – 9:15 am

Welcome and Introductions – Mark Naud

Mark welcomed attendees and reviewed the day's agenda.

Public Comments

No public comments were made.

ACTION ITEM: Review and vote on draft June 14th VTCAC Meeting Summary – Mark Naud

Jeff Wennberg moved to approve the June 14th meeting summary. Eric Clifford seconded. Denise Smith abstained. Motion carried.

9:15 – 10:00 am

Follow-up on Legislative and Budget Issues

The Legislative Committee on Administrative Rules (LCAR) and the Agency of Natural Resources set up rulemaking for naming local partners, how budgets will be allocated, and how funds will be moved, moving away from a more centralized water quality approach to distributing money to service providers.

Mark Naud asked if H.144- An act relating to requiring inspection of wastewater systems is something the VTCAC might want to consider and support. There are currently no certification or inspection requirements for septic systems. Septic inspections along the lake to ensure they are functioning, at minimum when property is being transferred, is not currently required.

Bob Fischer noted that stopping septic construction would help stop forest fragmentation. Vermont has the highest percentage of septic nationwide. With increases in emerging contaminants, more expensive services can be added to wastewater treatment plants. However, as costs increase in core service areas, there will be more people seeking to move away from core areas. There needs to be major legislation on septic tanks, septic tanks are unable to deal with PFAS.

Hilary Solomon shared that sites that are conducting septic maintenance have no connection with the state for permitting or regulation.

Wayne Elliot added that Colchester does not have requirements for existing septic systems, but changes or retrofits do have inspection requirements. Unless there are obvious issues, it is difficult to assess if a septic system is functioning properly from visual inspection. A significant number of Vermonters will be on septic and lots of communities don't have the tech standards to go out and inspect those. He questioned whether there is good documentation that septic systems are a major contributor to the quality of the lake, whether its bacteria or nutrients. Not enough data to tell what it's contributing.

Denise Smith asked who did the report for lakes in New York. David Miller at the ADK Council. There was a similar study done on the Georgia shore to see if there was a way to create a centralized system. Wayne noted they are looking at that now and it was cost-prohibitive without significant state and federal dollars. Many properties are only used for 2-3 months, how do you build a centralized system for temporary problems?

Rep. Ode asked if there are natural filters for developments that may not be able to hook up to a city system. Bob clarified that winter poses a problem for natural systems in Vermont and they require a large footprint to work properly.

Lori Fisher noted that previous studies showed impacts from septic tended to be localized, but that is still important for the cyanobacteria blooms we are seeing.

Sen. Bray asked what Lake George is doing regarding septic as they are known for having good water quality.

Sen. Bray asked about the challenges associated with leachate from the Coventry landfill and whether there are different routes for treatment or pretreatment of leachate. To build a facility to take the leachate would take at least \$20-30 million.

Sen. Bray noted Vermont has strict restrictions for 5 out of 5,000 PFAS, the others are unregulated. The Toxic Chemicals Control Act grandfathered in 59,000 chemicals.

The CAC expressed interest in learning more about the impacts of septic and whether they are localized. Next steps will include figuring out where the knowledge gaps and issues are and what it will take to close those gaps.

10:00 – 11:00 am

VTANR/DEC Update – Neil Kamman, Oliver Pierson, Sarah Coleman

Neil Kamman, Director of the Water Investment Division, provided an update on LCAR approved provider rules, Three Acre Stormwater funding, and ARPA funding. Sarah Coleman, Vermont Coordinator to the Lake Champlain Basin, provided an overview of the Clean Water Board Fund and budget process. Oliver Pierson, Lakes and Pond Program Manager, provided an update on the 2020 Long Term Monitoring Project, St. Albans Bay, and Lake Carmi. Neil and Oliver's presentations are included with the meeting materials. All information regarding Act 76 can be found [here](#). Questions and discussions are summarized below.

| Clean Water Service Providers | |
|--------------------------------------|--|
| Basin | CWSP |
| Memphremagog | Vermont Housing & Conservation Board |
| Missisiquoi & Lamoille | Northwest Regional Planning Commission |
| North Lake | Chittenden County Regional Planning Commission |

| | |
|-------------|---|
| Winooski | Central Vermont Regional Planning Commission |
| Otter Creek | Addison County Regional Planning Commission |
| South Lake | Rutland Regional Planning Commission, in collaboration with the Poultney-Mettowee Natural Resources Conservation District |

Three Acre Stormwater Funding

Denise Smith asked for confirmation that CWF block grants can only be used for permit obtainment and design for private properties and businesses. Neil clarified that for FY22, not a lot of businesses will be ready for implementation.

Jeff Wennberg clarified that State Revolving Loan Funds are a financing system, not a funding source.

Rep. Ode noted she had heard that higher priority for DEC Technical Support funding would be given to those with financial hardships and asked if projects that will have the most impact on clean water are being prioritized. Neil clarified that they are being mindful of means as they introduce programs. Sarah added that presently the main driver for prioritization is the permit deadline. Mark Naud asked if priority goes to the highest impact or whoever gets their permits and designs in first. Neil noted that the program is in an early phase, and they are still building the mechanism to help people apply and get funds out.

Wayne Elliot asked if ANR is able to change implementation and permitting schedules based on funding. Neil clarified that there will be three waves of permittees with a statutory deadline for permit application by 2023 and implementation by 2028.

Bob Fischer asked if the SRF linked deposit funding model is new. Neil noted that this is a great question for Terisa Thomas. This model has been used in Iowa and Ohio.

Sen. Brock asked if there is a gap in funding availability and the funding needed to achieve objectives. Neil answered there will be a gap, but the amount will depend on the General Assembly’s decisions for appropriations of ARPA funds and how clean water revenues perform.

Sen. Bray asked if money is being mobilized to buy down interest rates. Neil clarified that within the state revolving loan fund they are allowed to provide subsidies. The State has flexibility to buy down rates. Sen. Bray asked about the State’s contribution to the revolving loan fund. The State pays 20% of capitalization grants. The Clean Water Board makes recommendations to the Governor’s budget. Currently there is about \$70 million of balance in the Clean Water SRF.

Jeff expressed appreciation for the opportunity to use money for risk-free planning as it encourages municipalities to do preliminary work without fear of repayment.

American Rescue Plan Act (ARPA) Funding

Lori Fisher asked if hazard mitigation funds could be allocated to natural infrastructure improvements that could help advance hazard mitigation in the future. Neil noted that there may be other conditions for

eligibility in the future and restoration of natural infrastructure to improve flood resilience may be part of that.

Denise noted that \$10 million to help villages with decentralizing systems does not seem like a lot of money. She also commented on landfill leachate as a possible area for hazard mitigation funding. Neil agreed village wastewater solutions are expensive, but ARPA dollars are not the only funding source. The intent of ARPA funding is to cover the gap. He added that the pretreatment of landfill leachate has not been part of hazard mitigation conversations.

Wayne shared concerns about costs moving forward and the capacity to carry out this work.

ARPA funds cannot be used as federal match.

Clean Water Board Fund and Budget Process

There will be a Clean Water Board meeting on August 12th to allocate the \$10 million appropriated by the Legislature from ARPA. There are opportunities for public engagement in the FY23 process, including mid-September public budget recommendations and a public comment period in mid-October.

Mark asked if the funding for the Green Schools Initiative is to accomplish full implementation or just planning and design. Sarah clarified that the program is currently in school enrollment and Phase 1 (final stormwater design and permit obtainment). Later this year she anticipates an RFP for Phase 2 to address implementation to be released. View Greenprint Partners' [Vermont Green Schools Initiative webpage](#) for more information. The budget gap for Phase 2 will depend on how much gets spent during Phase 1.

Update on the 2020 Long-Term Monitoring Project, St. Albans Bay, and Lake Carmi

Wayne asked if the low water levels are impacting water quality. With a large lake, we are unlikely to see a direct correlation between lake levels and water quality. There are many factors that may have an influence. If we enter a prolonged drought, that could have impacts on the aquatic habitat and biota.

Peter Isles, Aquatic Biologist with the Lakes and Ponds Management and Protection Program, is interested in building forecasting models to predict where cyanobacteria blooms might occur.

Wayne asked whose responsibility it is to report cyanobacteria blooms. Towns and municipalities report blooms to the State and close public beaches. It is the State's responsibility to update the tracker website.

Bob asked if there are any concerns about alum in St. Albans Bay. There are some environmental concerns. In Ticklenaked Pond and Lake Morey, there is some opposition to adding any chemicals, but there have been no non-target impacts observed.

Bob asked what impact zebra mussels will have on the lake. Zebra mussels will increase water clarity locally, there are concerns if they get into water intake pipes, they negatively impact habitat, native mussel species, and fish composition. The goal is to monitor and prevent their spread.

Wayne asked about the timeline for the St. Albans Bay modeling and whether this should be a focus for the Action Plan. Oliver clarified that the model will be running in the next few months and recommendations could potentially be made over winter.

Hilary asked whether the relative stability in phosphorus concentration is considered a win by VTDEC or EPA considering climate change. The DEC 2020 Clean Water Report acknowledged this holding trend as an accomplishment.

Denise asked for clarification on the goal for the St. Albans Bay feasibility study. External loading is controlled to a point and in-lake conditions are favorable to alum treatment that could lead to improved water quality outcomes over the next 10-15 years.

The aeration system in Lake Carmi has been successful at mixing the lake and preventing internal loading. There have been no major blooms yet this summer.

Rep. Ode asked if it would be beneficial to remove the requirement of a decrease in property value to qualify for lake in crisis funding. Oliver noted that if that requirement was removed, many lakes would qualify which would not be beneficial without an increase in funding. Until additional funding is allocated, having steep qualifications is necessary. Although, having some discretion to qualify lakes that may not pass all three criteria but have significant health or environmental impacts could be useful.

- Mark asked for the next 3-5 lakes that may become a lake in crisis. Oliver mentioned that fortunately very few lakes are close to meeting the 3-part statutory test, but that Lake Morey is encountering water quality deterioration from high phosphorus levels and cyanobacteria blooms and is trending towards eventually meeting some or all of the three-part statutory test. Fairfield Pond is a water body with high phosphorus concentrations, invasive plants, and recreational use challenges that is far from being in crisis but would merit some additional state interventions.
- Denise asked about Lake Memphremagog. Oliver noted there is a lot happening there, but he does not view it as failing water quality standards. Vermonters are still able to enjoy it. There has been one bloom this summer and it cleared up.

Members asked about PFAS sampling methods and funding. Oliver shared this is relatively new and they are following NYSDEC's sampling protocol which requires using stainless steel instruments. Each sample is \$375 to run and can detect 36 types of PFAS. DEC is using a large amount of general funds to conduct this sampling this year. If the data shows high levels of PFAS, DEC will have to return to the Legislature to expand funding. This year's monitoring is to establish baselines, determine need for additional testing, and then address problems.

11:00 – 11:10 pm

Break

11:10 – 11:55 am

Discussion/Presentation on Climate Impacts on the Lake Champlain Basin – Jim Brangan

Jim Brangan, Cultural Heritage and Recreation Coordinator for the LCBP and co-chair of the Champlain-Adirondack Biosphere Network (CABN), provided an overview of CABN and climate action initiatives. The slide deck is included in the meeting materials, highlights and discussion are included here. CABN was designated in 1989 as part of the UNESCO Biosphere Reserve Program which seeks to foster national and international

connections among biosphere regions, facilitate their sharing of best practices, and support their work toward achieving a harmonious relationship between people and the environment. LCBP is working on many of the UN Sustainable Development Goals. CABN serves as a “network of networks,” aggregating and connecting different groups to coordinate a bioregional approach to climate action and sustainable development. Emmanuel Carter of SUNY ESF is working to develop an atlas for climate change which will serve as a tool for policymakers, municipal planners, and others. CABN has a youth committee composed primarily of college students aged 18-35. There will be a large youth recruitment event in the Fall.

Sen. Bray noted that less time than we might imagine more people might come to Vermont because of climate events. On the legislative side, how does Act 250 respond?

Lori shared she was part of the initial lobbying effort for the Biosphere in 1989. One of the reasons it didn't gain traction was because LCBP came into being. LCBP's involvement can ensure there is not duplication of efforts.

Denise serves as chair of the St. Albans Planning Commission. returned to the earlier conversation about septic and development in forests. Where people are housed and how people handle the land in the future are important. It is necessary to talk about this in small villages, cities, towns, and to start prioritizing resources to make sure we plan and develop appropriately.

Wayne noted we need to be strategic about building new infrastructure to ensure it is a good fit and takes a long-term view as increasing density may not be appropriate everywhere.

Jim clarified that CABN has no authority in policymaking or permitting, but rather serves as a forum for regional discussions. The Steering Committee has identified climate change as its main priority.

Rep. Ode added the importance of framing the conversation as what should not be built on instead of what should be build where. It is necessary to preserve wildlife corridors.

Sen. Bray asked what opportunity may exist for middle school and high school kids. Jim agreed young people can send a very powerful message and invited the group to think about how to engage these younger demographics effectively.

Jim offered to speak about the Artist-in-Residence program at a future meeting.

11:55 – 12:40 pm

Lunch

12:40 – 1:10 pm

CAC Coordination Opportunities

Katie shared an idea inspired by the Education and Outreach Committee to create a Youth Advisory Committee with each member serving on or as a liaison to the existing LCBP committees, while still giving youth voices a standalone platform.

Members expressed interest in having a joint CAC meeting in the Fall. Denise suggested using the CVNHP Summit at Saranac Lake in September as an opportunity to meet with the NYCAC.

1:10 – 2:10 pm

Determine 2022 Lake Champlain Action Plan Priorities, Production Process, and Timeline

One of the roles of the vice-chair is to lead the Action Plan process and support the subcommittee.

Potential issues to highlight:

- Increasing funding for PFAS sampling may be something to bring into the Action Plan depending on upcoming sampling results.
- St. Albans Bay
- Stormwater and nonpoint source pollution
- Need for a decontamination station to address aquatic invasive species challenges
- Septic

Sen. Brock shared the importance of clearly and briefly communicating progress to the public. It is helpful to have tangible indicators of progress for people to see, like aerators and manure injectors.

Mark shared the LCBP June Summit budget themes (shared with meeting materials).

Eric Clifford asked whether eDNA can be used to determine water contamination sources so monitoring entities can identify what is causing the problem. Members shared two earlier studies that were inconclusive.

Sen. Bray suggested public health issues as a frame for environmental issues to help engage the broader public.

- Carol noted that we had a good presentation on toxics in water, but it was not recorded. She would like to have the presentation again and share it online. Carol also suggested the CAC author articles for the VTDigger to set the parameters of broader public conversion.

Mark noted the focus on Phosphorus and nutrient pollution has dominated the landscape for a long time, but the CAC's charge extends beyond that. It would be valuable to better understand and get ahead of emerging contaminants that are issues of concern. Better public engagement and a better-informed public would help push this forward.

Members raised concerns about the cumulative impacts of glyphosate.

2:10 – 2:20 pm

Break

2:20 – 2:40 pm

Leadership & Governance

Lori noted it helps to have a succession plan and whoever serves as Vice-Chair should be ready to step into the role of Chair.

ACTION ITEM: Rep. Ode moved to elect Mark Naud as Chair and Denise Smith as Vice-Chair; Bob Fischer seconded. Motion carried.

Mark will send an updated board book that has updated appointments and some statutory changes.

Rep. Kari Dolan was appointed to the VTCAC.

The VTCAC has 2 seats to fill. Karina Dailey from VNRC submitted a letter of interest. Denise will follow up with her contacts in the Abenaki community.

2:40 – 3:00 pm

Meeting Wrap-up Discussion

Meeting schedule: second Monday of the month from 5-7 pm with hybrid participation options. Meetings will resume in September.

Eric Clifford offered to look into setting up a farm visit.

Action Plan timeline: Sen. Bray suggested planning to meet with speakers and pro tempores in November or December and have the action plan ready by the first week of January. He suggested scheduling times with the chiefs of staff now.

- Mark noted it would be helpful for Legislative members to provide a preview of what may be opportune for the CAC to work on and try to advance with the Action Plan in September or October.
- Sen. Bray suggested meeting with the chairs of the agriculture, natural resources, economic development, and financial committees. Mark agreed and added it was convenient this year as we were able to speak with multiple committees simultaneously.
- Rep. Ode added it would be good if the issues being pushed forward by the VTCAC were consistent with what the advocates are pushing for.
- Lori shared her experience on the Action Plan Task Force and cautioned the CAC to be realistic about what the CAC will be able to accomplish as a volunteer body without a designated lobbyist.