

From: Miller, Elizabeth [Elizabeth.Miller@state.vt.us]

Sent: Sunday, June 22, 2014 1:49 PM

To: Mears, David

CC: Spaulding, Jeb; Allen, Susan; Markowitz, Deb; Ross, Chuck; Minter, Sue; Searles, Brian; Moulton, Pat; Mackay, Noelle; Martin, Trey; Cole, Chris; Clark, Sarah; Reardon, Jim; Schuren, Alyssa

Subject: Re: Update on Lake Champlain TMDL

Have a great vacation and thank you for all of the work; appreciate the below summary and am with you on all points. Liz

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On Jun 21, 2014, at 2:56 PM, "Mears, David" <David.Mears@state.vt.us> wrote:

Liz, Jeb, Sue: Just wanted to share a quick update on progress related to the Lake Champlain TMDL implementation work as I head off on vacation for the next two weeks:

- Funding and spending plan discussions: I have my staff going back over the work we have already done over the past two years to distill out some high level options that I can discuss with other department/agency leadership. I have a meeting scheduled with leadership in AAFM, VTrans, and ACCD on July 17 for that purpose. Laura Gray and Jim Reardon/Sarah Clark are invited to that meeting. The goal is to come away from this meeting with a framework of a proposal and then we can get some senior policy staff with expertise in financial matters to help fill in the details and pro's and con's so we can discuss at your level.
- Discussions with EPA: DEC has a series of technical discussions scheduled over July and August. EPA is struggling with some of their policy decisions and I have asked my team to be proactive in identifying and arguing for the kinds of solutions that we want to see. The biggest issues are (a) whether EPA is going to require extreme measures in the two most challenging areas of the lake (South Lake and Missisquoi Bay) or accept DEC's proposal to add a third phase to the TMDL. Our approach would allow us to move forward with a set of tools we know

will make a difference and then revisit our progress later but presents greater litigation risk that a court would find that it is not sufficient to guarantee achievement of water quality standards; and (b) the issue you are already familiar with relating to the amount of the phosphorus load reduction obligation that needs to be borne by sewage treatment plants. There are a number of other issues but mostly in the technical arena without significant policy implications.

- Internal DEC Work: I have my team working to identify the key policy areas, separate from the money issues, where we may want or need legislative action in order to implement the plan. I want to put together a package of policy work that we can discuss with the other agencies and the Governor as we develop a legislative package for the coming biennium. The one benefit of the work in the House by Chairman Deen is that there has been substantial work on several important areas that we can build on. The other category of internal work relates to laying the groundwork for the various actions that we have proposed in the Phase One plan on the assumption that EPA will approve our plan.
- External communications: Trey Martin and I are developing an outreach plan and will start making calls and visiting with key players when I return from vacation. We may also divert some other DEC or ANR staff resources to help with this effort. I will coordinate with you and the other agency leadership as these conversations unfold. At this point, my inclination is to use informal conversations with smaller groups and key individuals rather than to sponsor any large formal meetings or work groups. We are also developing a communications plan so that we can have a steady diet of media coverage about this topic over the summer and fall.
- Federal Funding: As you know, we are in the process of putting together a substantial grant proposal to USDA NRCS to address farm pollution. Marli Rupe on my team is coordinating this effort and I have appreciated the support and help from the 5th floor on this. Separately, Chuck and Liz are working to ensure that Secretary Vilsack follows through on his

commitment to ensure that Vermont gets substantial additional NRCS funding to assist us with our farm and water quality efforts.

Two additional categories include (a) EPA help: I have spoken to Tom Berry in Senator Leahy's office to make sure that EPA is following through on their commitment to organize a group of other federal agencies to explore ways to assist Vermont with the Lake Champlain TMDL. My understanding is that Tom and EPA are organizing a high level meeting of several agencies this summer for this purpose; and (b) flood resilience funding: there are substantial potential federal grant opportunities relating to climate change and flood resilience, and there is a substantial overlap between our flood resilience goals and water quality where we implement projects that will reduce flood-related erosion. Sarah McKearnan in Deb's office will be coordinating a conversation with DEMHS, VTrans and ACCD to explore opportunities for good grant opportunities.

All of this remains a work in progress and I will give another update when I get back in the office. While I am out, Trey Martin is on point for DEC on the Lake Champlain TMDL so feel free to contact him if you need anything. Thanks for your support. David