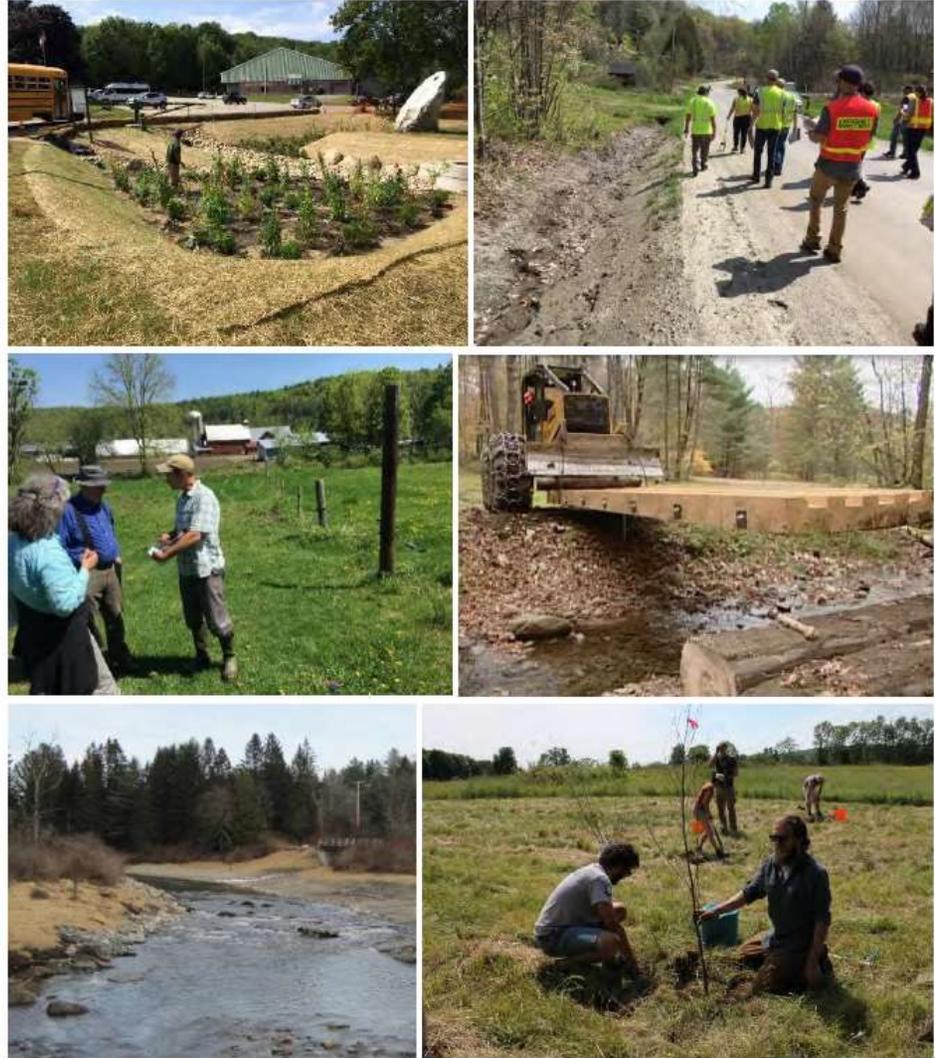


# Progress Report Clean Water Service Delivery Act of 2019

January 14, 2021

Vermont Department of  
Environmental Conservation

Neil Kamman



## *Water Investment Division*

"Planning, financing, building, and reporting on water infrastructure to support clean water for all Vermonters."

# **Today's purpose:**

Orient members to the 2019 Clean Water Service Delivery Act

Report progress on the Clean Water Service Provider Rule

Describe transition from Current Clean Water Funding to Act 76 Funding Programs

# Clean Water Service Delivery Act (Act 76 of 2019)

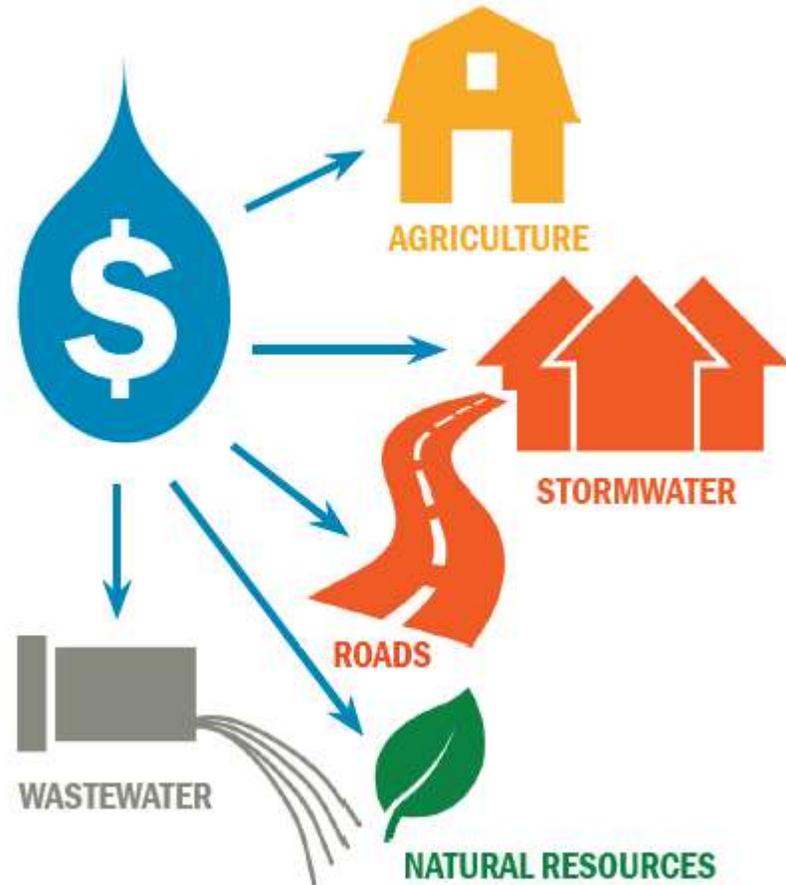
Long term clean water funding source, updated priorities

Establishes pollution reduction targets, enhanced accounting

Prioritizes funding of non-regulatory WQ projects

Decentralized network of CW Service Providers

Prioritizes funding for operation and maintenance



# Long Term Clean Water Funding Source

Clean Water Fund:      6% Rooms and Meals Tax  
Property Transfer Tax Clean Water Surcharge  
Escheats from unreturned bottle deposits

State Fiscal Year 2021 “restated” budget (adopted in Big Bill 10/2/2020):

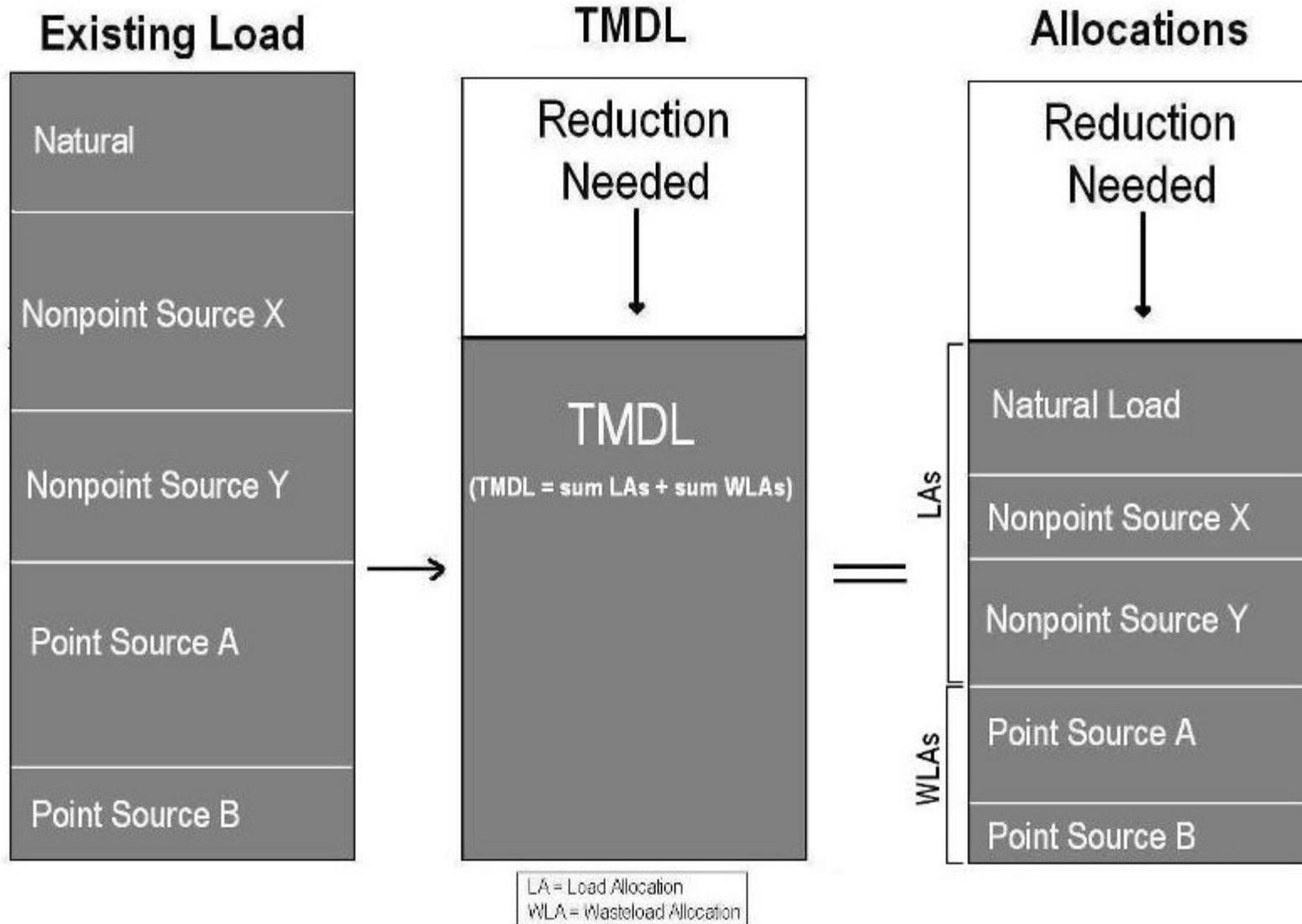
$$\begin{matrix} \$17.4 & + & \$13.9 & = & \text{\$} & 31.3 \\ \text{MILLION} & & \text{MILLION} & & & \text{MILLION} \end{matrix}$$

Estimated Fiscal Year 2021 Clean Water Fund revenue from the Meals and Rooms Tax Allocation, Property Transfer Tax Surcharge, and Unclaimed Bottle Deposits.

Estimated Fiscal Year 2021 Capital Funds.

Estimated Fiscal Year 2021 Clean Water Budget.

# TMDL's – Regulatory and Non-Regulatory Requirements

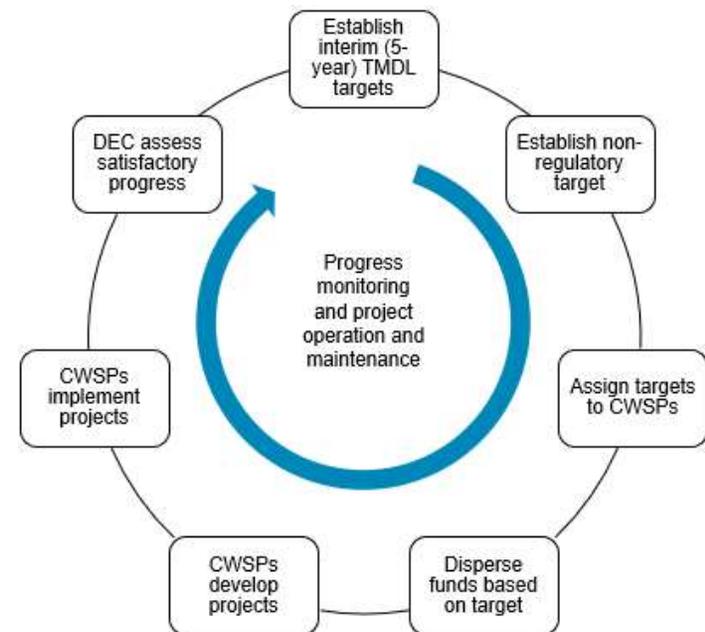


# Nutrient Reduction Targets for Non-Regulatory Clean Water Projects

## Projects

- Protecting River Corridors
- Restoring Floodplains
- Replanting of trees and natural vegetation on rivers
- Building small scale stormwater treatments
- Fixing erosion from non-regulated road networks
- Fixing old scars in the forest from prior road or logging impacts

## Targets



# Decentralized network of CW Service Providers

## Act 76: Clean Water Service Providers, Basin Water Quality Councils, and Watershed Planners

**01** A Clean Water Service Provider shall convene 1 Basin Water Quality Council per Basin



**02** A Clean Water Service Provider may service more than one basin. If so, they will convene one council per basin (two basins serviced in this example, South Lake Champlain and Otter Creek)



- Service Providers being developed for seven basins in VT
- Northern Lake Champlain (5)
  - Missisquoi Bay (6)
  - Winooski River (8)
  - South Lake Champlain (2&4)
  - Otter Creek (3)
  - Lamoille River (7)
  - Lake Memphremagog (17)

# DEC Activity



- Develop consistent understanding
- Develop the Clean Water Service Provider Rule
- Develop the Secretary's Guidance for CWSP
- Resources from Water Investment Division
  - Organizational Development and Stakeholder Engagement
  - Planning and Accounting Methods
  - Rule and Guidance structure
  - Grant Program Development

# Outreach and Engagement



- Aug-Oct 2019
- Official “Launch” with Clean Water Initiative Webinar
- Many Individual Stakeholder Meetings
- Preparation of 16-page Q+A
- Fact sheets
- Act 76 [website](#)

## Partner groups engaged

*Audubon VT*

*CRC*

*CWB*

*Echo Center*

*LCBP*

*NWSC*

*NRCC/VACD*

*TNC*

*UVM BREE*

*UVM Ext*

*VAPDA*

*VHCB*

*Water Caucus*

*WUV*

# CWSP Selection Process

- Nov 2019 to May 2020
- Convened stakeholder advisory group
- Developed criteria for CWSP
- Developed draft Request for Proposals
  - Worked with Advisory Group
  - RFP Draft issued for public comment until Jan 24, 2020
  - RFP open Feb 6 to May 8.
- Proposed assignments June, 2020.



## Stakeholder Advisory Group

*NRCC/VACD*

*State Auditor Accounts*

*UVM*

*VAPDA*

*VHCB*

*Water Caucus*

*WUV*

# Rule Development



- May, 2020 → Sept. 2020
- In concert with stakeholder engagement group
  - Examined Designated Agency Model
  - Examined AoA Bulletins/Requirements
- Developed list of major topics
  - Technical, Financial and Managerial topics
  - Governance structures
  - Project election
- Collective work with advisors on sequential drafts.

# Formal Rulemaking



- Pre-rulemaking Stakeholder Draft
  - circulated to stakeholders late Sept., 2020
  - Continued advisory group meetings to fine-tune.
- Comments Received/incorporated
  - WUV, NRCC/NRCDs
  - CWSPs Identified in the Rule
  - Vtrans, AAFM, ANR Divisions
  - A few citizens serving on watershed committees of RPCs.
- Filings:
  - ICAR Dec., 2020 (approved)
  - Secretary of State Dec 30, 2020.
  - Comment closes Feb 19, 2021
  - LCAR in March or early April.

# Guidance Development



- Secretary's Guidance
  - Statute compels standalone guidance, type III noticed
  - Required by Nov., 2021
- Translates and expands upon aspects of Rule
- Working with advisory group in the same manner as RFP and Rule, starting Feb., 2021.

# Clean Water Service Delivery Act - Revised Grant Programs

Tiered Prioritization of Funding Recommendations from the Clean Water Board		
Tier 1	<p><u>Eligibility</u></p>  <p>Any eligible entity</p> <p>As directed by AAFM</p>	<p><u>Non-competitive (non-regulatory) funding:</u></p> <ul style="list-style-type: none"> <li>To CWSPs – Reasonable Operations and Maintenance Costs</li> <li>To CWSPs – Water Quality Restoration Formula Grants</li> <li>To CWSPs – not more than 15% of the above may be used for administrative costs</li> <li>To RPCs, NRCDs, WUV - \$500K to support TBP, and Basin WQCs</li> </ul> <p><u>Competitive (non-regulatory) funding:</u></p> <ul style="list-style-type: none"> <li>Water Quality Enhancement and Protection Grants (25% of CWF, not to exceed \$5M)</li> </ul> <p><u>Ag Water Quality Programs (to comply with Required Agricultural Practices)</u></p> <ul style="list-style-type: none"> <li>Funding levels recommended by CWB appropriated to AAFM</li> </ul>
Tier 2	Municipalities	Competitive (regulatory) Municipal Stormwater Implementation Grants*
Tier 3	Private Entities	Competitive (regulatory) Developed Lands Implementation Grants*

\* "The grant(s) or financing program (to meet regulatory permit requirements) shall only be available in basins where a clean water service provider has met its annual goals or is making sufficient progress, as determined by the Secretary, towards those goals."

# For more information:

Websites:

**Water Investment Division:** <https://dec.vermont.gov/water-investment>

**Act 76:** <https://dec.vermont.gov/water-investment/statutes-rules-policies/act-76-clean-water-service-delivery>

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