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

Act 76 provides assurances that non-regulatory Total Maximum Daily Load (TMDL) reduction targets are met by:

• Establishing a long-term funding source for the Clean Water Fund
• Prioritizing the Clean Water Fund support to Non-Regulatory Programs
• Establishing a network of decentralized Clean Water Service Providers
• Establishing four consistent grant programs to fund water quality projects
Proposed allocations for Lake Memphremagog TMDL

- Phosphorus loads need to be reduced by 15 metric tons to meet TMDL target (including 3 metric ton margin of safety).

<table>
<thead>
<tr>
<th>Waste Load Allocation (WLA) in Kg</th>
<th>Load Allocation (LA) in Kg</th>
</tr>
</thead>
<tbody>
<tr>
<td>WWTF Permit to Lake</td>
<td>WWTF Load</td>
</tr>
<tr>
<td>Base Load</td>
<td>2458</td>
</tr>
<tr>
<td>Draft TMDL</td>
<td>1641</td>
</tr>
<tr>
<td>% Reduction</td>
<td>33.2%</td>
</tr>
</tbody>
</table>
Act 76: Clean Water Service Providers (CWSP) & Basin Water Quality Councils (BWQC)

- Through the CWSP and the BWQC, Act 76 establishes a new system of funding and local decision making.

- The CWSP is charged with overseeing the identification, implementation, and ensuring ongoing operation and maintenance of clean water projects.

- The BWQC will guide decisions on project prioritization and selection by reviewing information and voting on which projects to advance.

- Clean water projects have to be identified in the Watershed Project Database (WPD)

- BWQCs shall participate in the basin planning process
CWSPs will receive funding from the state for clean water projects and will be given pollution reduction targets. These funds are referred to as **formula grants** because they are created by formula and center around the idea of meeting modeled phosphorus targets.

### Proposed non-regulatory phosphorus targets and budget for Memphremagog Basin

<table>
<thead>
<tr>
<th>Description</th>
<th>Total</th>
<th>Total + 15% admin</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preliminary year 1 CWSP reduction targets in kg/year</td>
<td>44.2</td>
<td></td>
</tr>
<tr>
<td>CWSP annual funding (based on funds available and $650,000 min)</td>
<td>$550,498</td>
<td>$647,644</td>
</tr>
</tbody>
</table>
How does a BWQC select projects for funding?

• Process is still being developed through guidance documents
• Broad steps:
  • Solicit project proposals (BWQC members can propose projects!), and then the CWSP will rank projects based on phosphorus reduction values calculated and standardized by DEC, and will also consider co-benefits in the ranking.
  • A slate of projects with preliminary rankings will be presented to the BWQC for discussion and voting. BWQC will adjust/approve of ranking, and then vote to advance projects to funding stage.
  • Prequalified entities can then be assigned projects. Any project not assigned to a prequalified entity must be put out to bid by CWSP.
  • CWSP will execute subcontracts with prequalified entities and those awarded contracts through the bidding process.
  • Process will happen at least 4 times per year at each BWQC meeting.
Operations and Maintenance

Funds will be provided to CWSPs for ongoing operations and maintenance which includes inspection, verification, and maintenance of projects.

The CWSPs will be responsible for O&M of all projects funded by Formula Grants. CWSPs can also assume the O&M for existing stormwater projects (previously funded though DEC) and CWSPs will receive phosphorus credit for those projects.

CWSPs can contract out any/all parts of the O&M process.

DEC is working on an app and manual that will provide uniformity in assessing stormwater project ‘function’ around the state and will direct information collected at older sites.

Guidance is still being developed for this program. The next year will be considered “start-up” phase for O&M, with time for further development and conversations with partners about how we manage this process.
Next Phase of Start Up Work

- Next start-up BWQC meeting - June 2022
- Establish pre-qualification process
  - Pre-qualify BWQC organizations and others for project types.
- Attend BWQC specific trainings
- Chapter 4 and Chapter 6 of Guidance from DEC will provide more specifics of how the BWQC operates and how granting program will work. Expected to be released over the next few months.
- Formula Grant contracts with CWSPs are anticipated to be executed as close to July 1 as possible, first funding decisions to be made in the latter half of 2022 - actual timeline TBD.
- Begin regular quarterly BWQC meetings after July 1, 2022
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Additional resources:

VHCB Website: https://vhcb.org/our-programs/conservation/memphremagog-basin-clean-water-service-provider

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