



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION I  
5 POST OFFICE SQUARE SUITE 100  
BOSTON, MASSACHUSETTS 02109-3912

April 14, 2020

Peter Walke, Commissioner  
Vermont Department of Environmental Conservation  
1 National Life Drive, Main 2  
Montpelier VT 05620-3522

**Re: Lake Champlain TMDL Implementation Interim Report Card for the Lamoille and Missisquoi Tactical Basin Plans**

Dear Commissioner Walke:

Thank you for your progress report on Lake Champlain TMDL implementation, the “Vermont Clean Water Initiative 2019 Performance Report,” dated January 15, 2020. The well-documented and comprehensive report has given EPA a solid basis for evaluating Vermont’s progress towards completion of the work described in the Accountability Framework section of the 2016 TMDL document.

When EPA issued the TMDL in 2016, we committed to periodically evaluating Vermont’s progress with respect to completion of several sets of milestones. We have evaluated the state’s progress on the Phase 1 milestones on several occasions in the past, and we will be providing a final Phase 1 report card in a separate communication. The purpose of this letter is to evaluate the state’s progress on the Phase 2 milestones – a mid-cycle review of implementation progress for the Lamoille and Missisquoi Tactical Basin Plans.

The tactical basin plans (also referred to as Phase 2 plans) have a five-year implementation cycle, and the TMDL Accountability Framework indicates that at the mid-way point of the five-year cycle, EPA will provide an interim assessment of state progress toward implementation goals for each plan. As a result of our review, EPA concludes that the state is on track towards accomplishing most of the five-year actions identified in the implementation tables for both Phase 2 plans. The basis for this conclusion is explained below.

To assess state progress in implementing the Lamoille River and Missisquoi River Tactical Basin Plans, we focused our review on Appendices B and C of the state’s performance report. At the end of the five-year cycle, EPA is committed to issuing a final report card for each basin,

but at the mid-way point, EPA's charge is to issue interim report cards based on whether the state is on track towards completing the actions contained in the five-year implementation tables for each plan. We note that the scope of the state's performance report works well for this review since the accomplishments included in the report are for the time period up to July 30, 2019 – a date that aligns almost exactly with the 2.5 year mark of these two basin plans.

The state performance report assesses progress for each action in the plan implementation tables using the following four categories: completed; in progress (for actions that have a clear end point); ongoing (which refers to actions that are anticipated to continue indefinitely, such as outreach and education efforts); and not started.

Appendix B of the state's performance report describes progress on the Lamoille River plan. EPA is pleased to see that, overall, 80 percent of actions have either been completed, are ongoing, or have a high or medium likelihood of completion by 2021. Of the 44 actions in the implementation table, seven have been completed, 22 are in progress, 14 are ongoing, and one has not been started. For the actions listed as "in progress," the state has further broken out the status into those with high, medium or low likelihood of being completed by the 2021 end date. A review of the status summary for each action indicates that very good progress has been made for most of the "in progress" actions, as well as for the "ongoing" actions. Clearly some challenges remain, but EPA considers the state to be making reasonable progress towards the five-year implementation goals.

Appendix C of the state's performance report describes progress on the Missisquoi River plan. The implementation table for this plan was developed somewhat differently from the Lamoille plan, in that most of the actions are in the "ongoing" category – actions that will be continuing on an ongoing basis. Of the 23 actions in the implementation table, three are reported as complete, 19 ongoing, and two not started. The high number of ongoing actions makes it more difficult to quantitatively assess progress, but a review of the status summary for each action makes it clear that substantial progress is being made on most of these actions.

In future basin plans, EPA recommends the inclusion of quantitative five-year milestones for all ongoing actions. EPA believes this would provide a more clear and objective way to evaluate progress on the actions with no end point, and would further serve to ensure that significant progress continues to be made on these actions during each planning cycle.

While the focus of this interim report card is on the two tactical basin plans, we are pleased to note the many broader accomplishments documented in the 2019 performance report. EPA continues to be pleased with the quantity and quality of work completed since passage of Act 64. The 2019 Performance Report indicates that actions tracked by the state so far have resulted in an estimated reduction of 17 metric tons of phosphorus per year, or about eight percent of the total reduction target. We recognize that methods for tracking effectiveness of some measures are still being developed and that most of the results of new permit programs and related measures will not be measurable for several years still. Accordingly, we are anticipating

(as is projected in the state's Phase 1 Implementation Plan) that phosphorus reduction amounts will increase substantially over the next five years or so. We look forward to continuing to collaborate with you on this important work.

Sincerely,

/s/

Melville P. Coté, Jr., Chief  
Surface Water Protection Branch

Cc (via email): Neil Kamman, VTDEC  
Emily Bird, VTDEC