

BASIN WATER QUALITY COUNCILS

Excerpts from ENVIRONMENTAL PROTECTION RULE CHAPTER 39 - CLEAN WATER SERVICE PROVIDER RULE and 10 V.S.A. § 924

Definition

Basin Water Quality Council means a council established by a Clean Water Service Provider pursuant to 10 V.S.A. § 924(g) to establish policy and make decisions for the CWSP regarding the most significant water quality impairments that exist in the basin and prioritizing the clean water projects that will address those impairments based on the basin plan.

Membership and Structure

Each CWSP shall establish a basin water quality council (BWQC) for each assigned basin. BWQC membership shall comprise the minimum statutory members identified in 10 V.S.A. § 924(g)(2):

- (a) Two persons representing natural resource conservation districts in that basin, selected by the applicable natural resource conservation districts;
- (b) Two persons representing regional planning commissions in that basin, selected by the applicable regional planning commission;
- (c) Two persons representing local watershed protection organizations operating in that basin, selected by applicable watershed protection organizations;
- (d) One representative from an applicable local or statewide land conservation organization selected by the conservation organization in consultation with the clean water service provider;
- (e) Two persons representing municipalities within the basin, selected by the clean water service provider in consultation with municipalities in the basin.

Each BWQC member shall be knowledgeable on clean water topics for the basin(s) served and shall at all times act in good faith in the discharge of BWQC member duties.

Responsibilities

- a) The purpose of a BWQC is to establish policy and make decisions for the CWSP regarding the most significant water quality impairments that exist in the basin and prioritizing the clean water projects that will address those impairments based on the basin plan.
- b) When prioritizing clean water projects and prioritizing the most significant water quality impairments in the basin, the BWQC shall consult with the basin plan and CWSP and utilize the Agency's project selection protocols.

Meetings and Actions

- a) A BWQC shall convene at least four meetings per year, with a best practice of having one meeting per quarter.
- b) Voting.
 - (1) A quorum shall be required in order to take a vote. A quorum shall be attained by the presence of a majority of the BWQC membership.
 - (2) Decisions shall be binding by a vote of the majority of the BWQC members regardless of the number of members present for the vote.
 - (3) Each BWQC member shall have one vote.

- (4) Proxy voting shall not be permitted.
- a) BWQC members shall attend all BWQC meetings, unless good cause prevents attendance. Failure to attend one-half or more of the scheduled meetings per year shall constitute grounds for replacement of the member.
 - b) The BWQC appointing entities within 10 V.S.A. § 924(g) may designate one or more alternate statutory member(s) who may act in place of or replace their appointed member in the event of absence or disqualification of that appointed member. Alternate members shall be established at the first meeting of a BWQC and may be changed with reasonable prior written notice to the BWQC and CWSP.
 - c) The BWQC and BWQC subcommittee(s) are subject to the Vermont Open Meeting Law. Minutes of each meeting shall be retained by the CWSP and approved by a vote at a subsequent meeting.
 - d) The BWQC and BWQC subcommittee(s) shall comply with public records law. The CWSP assigned to the basin for which the BWQC serves shall assume the records retention responsibilities for the BWQC. (g) BWQC members from among the appointing entities in 10 V.S.A. § 924(g) shall be entitled to reasonable compensation for participation in BWQC meetings in accordance with the Secretary's guidance and applicable grant agreements.

Conflicts of Interest

Each CWSP shall adopt a conflicts of interest policy that includes, in part, the following:

- a) All persons engaged in the decision making of the respective CWSP or BWQC, or both, shall conduct themselves according to high ethical standards.
- b) Conflict of interest means an interest, direct or indirect, financial or otherwise, of a person with a CWSP or BWQC decision making role, or such an interest, known to that person, of a member of that person's immediate family or household, or of a business associate, in the outcome of a particular matter pending before the CWSP or BWQC or which is in conflict with the proper discharge of the person's duties under this Rule.
- c) A BWQC member that proposes to implement a clean water project must disclose any potential conflict of interest and shall recuse itself from any BWQC decision making subject to that conflict. Notwithstanding these limitations, the conflicted BWQC member may answer questions on the subject project in an open meeting of the BWQC.