

# State of Vermont

## House of Representatives



Montpelier, Vermont

### Joint House Resolution

J.R.H. 23

Joint resolution relating to the cleanup of Lake Champlain

Offered by: Representatives Deen of Westminster, Stevens of Shoreham, Bartholomew of Hartland, Browning of Arlington, Connor of Fairfield, Martin of Springfield, Toleno of Brattleboro, Walz of Barre City, and Zagar of Barnard

Whereas, the quality of life in Vermont is tied to clean water that attracts businesses and tourists to Vermont; provides opportunities for swimming, boating, fishing, and viewing wildlife; and is a source of clean drinking water, making clean water an important driver of the State economy and a vital part of our quality of life, and

Whereas, nutrient loading of phosphorous and nitrogen resulting from activities on the land in the Lake Champlain, Connecticut River, and Lake Memphremagog basins causes negative impacts on water quality, including algal blooms of cyanobacteria or blue-green algae that harms animals and people, impairs recreational uses, diminishes aesthetic enjoyment, adversely affects the taste of drinking water, and harms the biological community, and

Whereas, the cost of addressing the negative effects of nutrient pollution in Vermont waters will continue to mount unless Vermont takes action now to reduce the impact of land uses in order to curb the loading of nutrients into our waters, including Lake Champlain, and

Whereas, a Total Maximum Daily Load (TMDL) is a pollution budget approved under the Clean Water Act that caps the total amount of a pollutant that may enter an impaired body of water, and

Whereas, the Clean Water Act is concerned with controlling both “point sources” of pollution that include discharges from “discernible, confined and discrete conveyances” such as pipes, ditches, and tunnels, as well as “nonpoint sources” of pollution that include discharges from overland runoff, precipitation, atmospheric deposition, drainage, seepage, or hydrologic modification, and

Whereas, in January 2011, the U.S. Environmental Protection Agency (EPA) revoked its approval of the Vermont portion of the Lake Champlain TMDL, primarily because the plan did not provide sufficient reasonable assurances that the necessary reductions would be achieved from nonpoint sources of phosphorous, and

Whereas, EPA is developing a new TMDL to reduce the total loading of phosphorous into Lake Champlain from Vermont sources from 533 metric tons per year to 343 metric tons per year, a reduction of 39 percent, and

Whereas, the Vermont Department of Environmental Conservation (DEC) prepared a draft Phase I Implementation Plan for the new Lake Champlain TMDL that was presented to EPA that includes, among other measures, reduction of nonpoint phosphorous pollution from urban and suburban stormwater, agricultural stormwater, stormwater from roads, sediment and phosphorous discharges caused by stream bank erosion, and sediment and phosphorous discharges from forestry practices, and

Whereas, the broad policy commitments in the Phase I Implementation Plan are intended to provide EPA with reasonable assurance that the State can achieve reduced phosphorous loading largely through those nonpoint sources of phosphorous, and

Whereas, the Phase I Implementation Plan will serve as a model to improve water quality in water basins throughout Vermont, and

Whereas, implementation of the new TMDL will require significant resources over the next two decades, placing demands on Vermont municipalities, businesses, and farmers, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly requests that EPA accept as “reasonable assurance” Vermont’s proposed Phase I Implementation Plan, when funded appropriately, and be it further

Resolved: That the General Assembly requests the U.S. Congress provide federal funds for a significant portion of the costs of implementing a comprehensive approach to cleaning up all of Vermont waters for the new Lake Champlain TMDL, and be it further

Resolved: That the General Assembly requests the Administration propose additional new dedicated revenue sources to pay for an appropriate portion of the costs of cleaning up all the waters of Vermont and to implement the new Lake Champlain TMDL in a manner that minimizes financial impacts on Vermont farmers, businesses, and communities and spreads those costs fairly, and be it further

Resolved: That, despite the Administration’s unwillingness to work with the General Assembly this year, the General Assembly will work with the Administration during the next biennium to enact legislation to ensure that Vermont has the legal authority and resources necessary to implement the cleanup of Vermont waters and the new TMDL, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the Administrator of the Environmental Protection Agency and the Vermont Congressional Delegation.