

H.35: An Act Relating to Improving the Quality of State Waters:

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Summary of Testimony

H. 35 contains a wide array of tools and actions designed to protect and improve Vermont's water quality. The attention paid to this issue by Governor Shumlin's administration and legislators is greatly appreciated. Comments refer to version 1.3.

ANR Basin Planning (Section 19)

This section provides a good framework for coordination between regional planning and basin planning which is an important part of ensuring implementation of the plans. Linking regional plans and basin plans will increase our effectiveness in planning growth and development that supports the State's water quality goals.

When basin plans use technical data and local and regional input there is an opportunity to develop a project prioritization process based on critical source contributors in each watershed. This can make the granting of funds more efficient and allow completion of projects based upon technical priority.

'Vermont's Clean Water Initiative' submitted by ANR to the legislature in November 2014 outlines specific tasks for RPCs that will help ensure successful implementation of the Lake Champlain TMDL and statewide water quality initiatives (page 23). This is a natural extension of RPC work in transportation, land use and emergency planning.

Specific Recommendations:

Page 36 line 4, working with regional planning commissions:

The Secretary, in ~~consultation~~ cooperation with regional planning commissions

Page 37 line 8, conformance with the regional plan:

develop an analysis and formal recommendation on conformance with the goals and objectives of applicable regional plans in cooperation with the applicable regional planning commissions.

Page 37 line 10, working with regional planning commissions:

The Secretary ~~may~~ shall contract with a regional planning commission

Municipal Highway Stormwater Permit (Section 24, Page 67)

It is crucial that these general permits are aligned with and coordinate with the Codes and Standards that are adopted by municipalities under the ERAF rule. Additional time for implementation included in version 1.3 will allow for this coordination.

ANR Stormwater Management Authority (Section 24)

Phosphorus, sediment, nitrogen and other pollutants are allowed to increase under a stormwater permit. H. 35 refers to the pollutant discharge satisfying the requirements of the stormwater manual and a determination of sufficient pollutant load allocations in a TMDL (page 74). Given the reduction goals in the draft Lake Champlain TMDL it is unclear what impact this will have on the increased pollutant load currently allowed in stormwater permitting, and it is also unclear if ANR will propose changes to the allowed increase.

Changes to allowable pollutant loads must be applied in a manner that does not establish additional barriers to development in our growth areas and unintentionally incentivize growth outside of our growth areas.

MS4 Eligibility for Ecosystem Restoration Program (ERP) Funds (Section 38)

This is a positive change. NRPC supports eligibility for ERP and Clean Water Fund dollars for MS-4 municipalities.