

Department of Environmental Conservation

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TO: House Fish, Wildlife and Water Resources Committee

SUBJECT: Additional Information on 13 New Clean Water Related Positions

Additional information was requested around the staffing and operational needs associated with the Clean Water Phase One Implementation Plan for FY 2016 which includes 13 new staff positions to meet the state’s obligations under the Clean Water Act and the Lake Champlain Phosphorus TMDL. Below we have provided a list of the positions along with a brief description outlining some of the work they’ll be performing. The total amount of fee revenue being proposed is \$1.54M which will be used to cover all of the related personnel and operating costs associated with these 13 positions and approximately \$330k for contracting with local Regional Planning Commissions to help get them started with planning efforts for municipalities especially around the transportation related permits.

It is important for us to clarify that there are several aspects and related support functions which are intertwined and necessary for us to carry out our requirements under this Plan. For example, there will be a significant need to conduct “modelling” to identify necessary implementation opportunities to reduce phosphorus to both Lake Champlain and other surface waters across Vermont, as well as to assist in tracking the “best management practices” (BMP) implementation under Phase 1. These efforts are extremely critical to the Stormwater and Wastewater programs as well Rivers and Wetlands. We will also be providing a great deal of financial, technical and educational assistance in reducing nonpoint source phosphorus contributions to Vermont’s surface waters, including activities under the Phase I Implementation Plan.

Program Area	# of Positions	Position Description
State Highway Stormwater Regulation	1	The Phase 1 Plan requires the development and implementation of a State Highway (TS4) General Permit, a new program to address stormwater from state highways. The TS4 will include a “phosphorus control plan” covering stormwater discharges from the state highway system. The position is needed to develop the program, provide technical assistance, and review implementation of VTrans’ stormwater plans over a multi-year period.

Municipal Highway Stormwater Regulation	1	This is the key position for a new Municipal Highway General Permit, a new program to address stormwater from local roads. This program will involve public outreach to all communities, development of a general permit and technical and permitting standards, and issuing authorizations under the new general permit.
Developed Land Stormwater Regulation	2	These positions will support development and implementation of a new program to address stormwater runoff from existing developed land that is currently unregulated. This effort will include substantial public outreach, the development and issuance of general and individual permits and the permitting of hundreds of currently unpermitted existing impervious surfaces.
Wastewater	2	These are permit writer positions responsible for writing the permits for and assisting municipalities with the task of upgrading wastewater treatment plants to meet new nutrient requirements. This work is critical to the effective implementation of both the Long Island Sound and Lake Champlain TMDLs due to the need to reissue the 94 expired permits and the associated need to develop innovative solutions to assist municipalities with meeting these new limits.
Rivers	1	The Phase 1 Plan emphasizes the need to regulate municipally exempt activities and Act 250 developments and review all development proposals (under state and municipal jurisdiction) on floodplains in the Lake Champlain basin. With this new position the Program will review more municipal projects, create a regional Certified Floodplain Technician Program, and increase the regulatory and technical assistance capacity for floodplain protection. This position will work with the Program's river scientists to capitalize on opportunities identified during their regulatory work to implement projects involving the removal of river corridor and floodplain encroachments.
Wetlands	1	As part of the Phase I implementation plan, DEC has committed to expand technical, educational and regulatory assistance regarding wetland protection and restoration. DEC has also committed to coordinate with partners to increase wetland restoration throughout the basin, increase permit compliance, and give heightened protection to wetlands within the basin which provide water quality protection and erosion control. This staff addition will increase Wetlands Program capacity to carry out all of these tasks.

Administrative	3	<p>The Phase I TMDL Plan will lead to a large administrative workload in reissuing the current expired Wastewater permits, and implementing the expanded stormwater, rivers, and wetlands programs.</p>
Monitoring, Assessment, and Planning	2	<p>The Phase I TMDL Plan requires a watershed modeler to conduct geographic and technical source-sector analyses using a critical source area identification system. The results of this modeling will direct implementation in the form of regulatory permitting actions, funding to prioritized target watersheds, and targeted pollution controls.</p> <p>In order to fulfill the state's obligations under the Lake Champlain TMDL, DEC also needs an environmental analyst to track the pollution reductions associated with implementation projects and to link DEC's tracking system to the tracking work that will be done by AAFM and VTrans.</p>