

Testimony of Jared Carpenter
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Before the House Natural Resources, Fish and Wildlife Committee
On H.39 An act relating to the threshold for operational stormwater permits
February 15, 2017

Good Afternoon, Chairman Deen and Members of the Committee, thank you for inviting me to testify on this important subject.

The Lake Champlain Committee (LCC) is a bi-state nonprofit advocacy organization working for a healthy, accessible lake. We use science-based advocacy, education and collaborative action to protect water quality, safeguard habitat, combat invasive species, provide lake access, and foster stewardship. LCC was formed by New York and Vermont citizens in 1963 to prevent the lake from becoming an international seaway for ocean-going vessels. Since then, LCC has been involved in every major issue affecting lake health. LCC launched the longest running citizen monitoring program in the country, pushed for more stringent standards of phosphorus removal for Lake Champlain wastewater treatment plants, automatic dishwasher detergents, and lawn fertilizer. We co-drafted the numeric water quality standards for phosphorus and helped secure their adoption by Vermont, New York and Quebec as part of an international water quality agreement. We initiated the cyanobacteria citizen volunteer monitoring and reporting program on Lake Champlain and annually train and oversee monitors at more than 100 lakeshore locations.

I testify today in support of H.39, an act relating to the threshold for operational stormwater permits. H.39 would lower the threshold needed for a state operational stormwater permit for the construction or redevelopment of new impervious surfaces from one acre to one-half acre. This would also include the expansion of existing impervious surfaces by more than 5,000 square feet if the resulting impervious surface area is greater than one-half acre.

In addressing this issue, it is important to keep in mind that the ratio of Lake Champlain drainage area to surface area of the lake is 18 to 1. With such a large watershed supplying water to the lake, the challenge of limiting pollution that washes off the land area and enters the lake is greater. What happens on the land has a more significant effect on lake water quality than would occur with a smaller watershed ratio. *In contrast, the Great Lakes are much larger than Lake Champlain but their watershed ration is much smaller – ranging from 1.5 to 1 and 3.4 to 1.*

Developed land tends to have larger areas of impervious surfaces such as rooftops and parking lots that do not allow for infiltration. They shed water quickly, sending nutrients and other pollutants to our waterways. Reducing this runoff is an important part of the larger program to reduce sedimentation and water pollution in the Lake Champlain Basin. Developed areas currently contribute 12.4% of the total Lake Champlain Basin phosphorus load.¹ However, only six percent of the impervious surfaces in the Lake Champlain Basin are subject to regulation under the state operational stormwater permit.² The majority of existing impervious surfaces do not have stormwater permit coverage or stormwater treatment systems.

The TMDL Plan calls for a 20.9% reduction in phosphorus discharge from developed land.³ We cannot meet this requirement without expanding the acreage of land subject to stormwater regulations. The retrofitting of existing impervious surfaces must continue, but it is less expensive to get it right the first time. Our goal needs to be the protection and improvement of our waters, not just maintenance of current discharge levels. Reducing the permit threshold to one-half acre will help do this.

It is important to note the economic impacts stormwater pollution could have on the Vermont economy. According to the Treasurer's Report on the Clean Water Fund, visitors spend \$2.5 billion in Vermont annually.⁴ The Lake Champlain Basin economy is inextricably tied to the health of the lake. In communities near St. Albans and Missisquoi Bays where cyanobacteria blooms are often persistent in summer months, loss of property values is a real concern. In 2015, the grand list in Georgia, VT, decreased by \$1.8 million due to a decline in lakeside property.⁵ The Treasurer's Report also notes that visitor spending contributed \$318 million in tax and fee revenues for 2013 and supported an estimated 30,000 jobs.⁶ But, these revenues will decrease if algae blooms drive visitors away. These revenues depend on clean water.

¹ *Vermont Lake Champlain Phosphorus TMDL Phase 1 Implementation Plan*, prepared by the State of Vermont for the U.S. Environmental Protection Agency, Sept. 15, 2016, Pg 48.

² *Id.* at 105.

³ *Id.* at 42.

⁴ *Clean Water Report*, Office of the State Treasurer, State of Vermont, Jan. 15, 2017, pg. 1.

⁵ *Id.* at 12.

⁶ *Id.* at 2.

On an acre-by-acre basis, developed lands contribute a “disproportionate share” of the phosphorus load when compared to agricultural lands.⁷ Typically one acre of developed land sends three times as much phosphorus to the lake as one acre of agricultural land. For agricultural runoff, new regulations are set. The Required Agricultural Practices (RAPs) require that owners of small farms use proper manure storage, riparian buffers, livestock exclusion, and other Best Management Practices to reduce sediment and phosphorus runoff. Now it is time for developers and owners of smaller impervious surfaces to follow this lead and begin to reduce the impacts of their runoff, as well. Under this measure, they will also have to follow Best Management Practices, such as the use of green infrastructure and infiltration, to reduce pollution.

In the debate and discussion over the Clean Water Fund, all parties have advocated for an “all in” approach. This philosophy should be applied to all sources of sediment and phosphorus that impact the Lake Champlain Basin, as well. “All in” does not just include revenue sources to pay for pollution reductionns, but taking actions to reduce the pollution from the source.

⁷ *Id.* at 49.