



**House Natural Resources, Fish and Wildlife Committee**  
**Clean Water Memo to House Ways and Means**  
*January 9, 2018*

Thank you for the opportunity to testify on H. 576, the bill addressing the three - acre permit.

We have been involved in addressing stormwater runoff and phosphorus discharges from multiple sources since the discussion was started. One of the more difficult problems has been how to reduce stormwater discharges from parcels containing impervious surfaces that historically did not have permits. The three-acre general permit addresses some of that problem, albeit sometimes at significant expense to the owner. The three acre permit is part of the “all in” strategy endorsed by both the legislative and executive branches of state government.

The Municipal Roads General Permit (MRGP) and the Transportation General Permit for stormwater require retrofits and infrastructure investment on all hydrologically connected segments of highway, based upon inventories of vulnerable areas and prioritized so projects that address the biggest problems are completed first. Wastewater treatment facilities are being required to upgrade their phosphorus controls on a schedule that is based upon proximity to Lake Champlain and impact on the most impaired sections of the lake.

We are also a state facing substantial financial constraints in the form of a deficit in the general fund, overburdened property tax and unknown results of the federal tax bill as well as some daunting demographic and social shifts. We know there is not enough money to do all the water quality related work that needs to be done at once.

Nor would it be judicious to do all the work at once, as different approaches will be more effective at addressing certain circumstances: both approaches and circumstances may change as stormwater infrastructure is deployed across the landscape. We believe that is appropriate to give the Secretary of the Agency of Natural Resources flexibility to prioritize projects so that those which are most beneficial in terms of stormwater runoff and phosphorus reduction are completed first as is the case with the MRGP and wastewater treatment facilities. All those permits are in place and their rollout is not affected by the flexibility requested in H. 576.

Before the Environmental Protection Agency (EPA) approved the current Lake Champlain TMDL and the entire time that the 2002 TMDL was appealed to EPA, withdrawn on January 24, 2011, re-developed and approved in June 2016, municipalities were extremely reluctant to invest in stormwater management projects because neither they nor anyone else knew what would finally be required in a particular situation and whether or not dollars (lots of them) were going to be wasted on futile endeavors. A similar circumstance is now in play along the Connecticut River with respect to the Long Island Sound TMDL. We support the notion that we should focus efforts on the known issues with respect to the Lake Champlain and Lake Memphramagog TMDLs, then move to the issues related to the Long Island Sound TMDL when it is clear what will be required there.

Again, I remind the committee that the MRGP is moving ahead as are improvements to wastewater treatment facilities and ecosystem restoration projects around the state.

Thank you for the opportunity to testify.

*Karen Horn, Director  
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