



Recommendations on S.96

Prepared for the House Committee on Natural Resources, Fish & Wildlife
by Charlie Baker, Chair, Natural Resources Committee,
Vermont Association of Planning and Development Agencies
April 11, 2019

Thank you for the opportunity to testify this morning on S.96. These comments and recommendations have been reviewed by all of the RPC Directors and represent the key points of consensus.

1. VAPDA supports efforts to identify long-term funding to improve water quality.
2. VAPDA supports allocating grant funding by basin based upon pollutant reduction need.
3. VAPDA would like to see a strong commitment of grant funding to maintaining water quality in other parts of the State that have impairments, but no established TMDLs.
4. §924 (a)(4) – VAPDA supports formalizing a process for all the partners in a basin to work together as the basin water quality council in deciding, not advising, the priority clean water projects with advice from technical staff. The consequences of not making good progress (not being eligible for other grant programs) falls on all of the parties, so they should all be included in the decision-making.
5. §924 (c) Maintenance responsibility. VAPDA would like to see a more realistic portrayal of the relationship between a clean water service provider, a property owner, and ANR. We propose the following edits in this section:
 - A clean water service provider shall be responsible for ~~maintaining reporting on the maintenance of~~ a clean water project by the property owner or other responsible party or ensuring the maintenance for the entirety of the design life of that clean water project. The Secretary and clean water service providers shall develop mutually agreeable language to be used in grant agreements, maintenance agreements, and easements between the clean water service provider, ANR, and a property owner clearly defining the maintenance responsibilities and consequences for failing to maintain the project.
6. §924 (f)(2) - VAPDA is concerned about the enforcement language that starts to make this proposal feel more like a permit than a partnership between a clean water service provider and the State. We would like to see this provision removed.
 - ~~(2) Initiate an enforcement action pursuant to chapter 201 or 211 of this title for the failure of a clean water service provider to meets its obligations~~

Thank you for your consideration of these comments and recommendations.