

Testimony of  
Jon Groveman and Jared Carpenter  
On behalf of  
Vermont Natural Resources Council, Lake Champlain Committee,  
Conservation Law Foundation and The Nature Conservancy, Vermont Chapter

Before the Senate Committee on Natural Resources and Energy  
On ANR Water Quality Implementation and Targets  
February 8, 2019

As the Senate Committee on Natural Resources and Energy considers the framework for how the Vermont Agency of Natural Resources (ANR) would set target reduction goals and implement a regional program for distribution of clean water funds and how regional entities would administer programs and select projects, we ask the Committee to include the following:

- The bill must identify geographic/watershed areas covered by a clean water utility and must identify that either RPCs or Conservation Districts will serve as the utility for the geographic areas; these geographies should coincide with the footprint of the Tactical Basin Plans, and those Plans should provide for priority water quality projects within their respective footprints.
- The bill must establish a process for determining the entity that serves as the utility for the geographic areas; municipal involvement in the utility or individually as MS4s must be mandatory.
- The bill must mandate that any regional utility has a clean water advisory committee to include watershed groups, conservation districts, and NGO's that engage in water quality projects and that they have an equal role in the funding decisions that the utilities make.
- ANR must be ultimately accountable for the attainment of clean water targets statewide.
- ANR must develop a transparent process that involves public review for the loading targets upon which funding distribution to regions will be based.
- Funds must be used not only to reduce phosphorous and nutrient loads to impaired waters but to protect high quality waters to prevent possible future impairment and consider co-benefits such as habitat protection and climate resilience.
- Funds be used to restore waters in areas other than just Lake Champlain and Lake Memphremagog.
- Project selection must be based on those identified and prioritized in Tactical Basin Plans.

- Taxing authority for regional utilities must be eliminated and the state must assume responsibility for the distribution of funds to the regional utility, considering costs of administration, maintenance and operations.
- The method and funding for monitoring projects are implemented to track progress towards achievement of load reductions goals and that a plan for maintenance is established;
- Appropriate funding and staffing needs to be provided to ensure all utilities have adequate capacity and capability to effectively administer their charge.
- Funding needs to be provided for all aspects of project development, implementation, and monitoring [see fuller description in WC guiding principles];
- Funding should continue to be available through existing statewide grant programs [e.g., Ecosystem Restoration Program (ERP), Water Infrastructure Sponsorship Program (WISPr)] for other important water-related projects (e.g., dam removals, appropriate culvert sizing) that may not be primarily focused on water quality benefits.