



**Testimony of Jared Carpenter
Water Protection Advocate, Lake Champlain Committee
Before the Senate Committee on Natural Resources & Energy
February 27, 2019**

Good Morning, Chairman Bray and Members of the Committee,

Thank you for inviting me to testify on S.96, “An act relating to establishing a Clean Water Assessment to fund State water quality programs.” For the Lake Champlain Committee and other organizations in the environmental community, securing and distributing adequate revenue for clean water restoration is one of the most important issues before the Vermont Legislature since the passage of the Vermont Clean Water Act (Act 64) in 2015.

Water advocacy groups support the goals of S.96 to create a regional service delivery mechanism to distribute clean water funds to local partners for clean water projects to restore and protect Vermont’s waters. This morning, we offer general comments as well as specific suggestions on the language of S.96, and ask the Committee to support the bill.

General Comments

First, we thank the Vermont Agency of Natural Resources (ANR) for their hard work and willingness to work with us on the funding distribution mechanism. Since their initial proposal, the Agency has acknowledged our concerns and made substantial changes based on our suggestions.

Second, accountability is an important issue that was raised repeatedly during the walk-through of this bill. Overall, ANR must ultimately be accountable for the attainment of clean water targets statewide, but the Regional Planning Commissions (RPCs) must be responsible for meeting regional goals. In the bill, ANR is required to establish both an annual reduction goal and a five-year goal (pg. 2 lines 9 – 10). There will likely be annual adjustments in funding distribution levels and on the

projects chosen to meet those goals, but the key is that each RPC reaches its five-year goal. If not, ANR has enforcement options under §923(g) (pg. 8 line 9).

Finally, the Committee has repeatedly raised concerns that the entire process must be inclusive and fair. In order for this program to be successful, watershed groups, regional and statewide nonprofit organizations, conservation districts, and municipalities must be involved in all stages of the process, from initial rulemaking to project selection, development, and implementation.

Specific Suggestions

First, it is important that the RPCs and stakeholder groups utilize the Tactical Basin Plans as a guidance document to identify and prioritize projects. Section 4345a(B) states that the RPCs “shall consider” the Basin Plans (pg. 20 line 9). This language must be stronger and we suggest the language be changed to “...and projects listed in the Tactical Basin Plans shall have priority.”

Second, projects under the Ecosystem Restoration Grant program (ERP) are key to ensuring that water quality is not degraded. Section 1389(e)(1)(D) states that these grants are “not to exceed \$1,500,000.” (pg. 17 line 4). We ask that this cap be replaced with a floor based on the historical level of funding. In FY16/17, the funding was approximately \$3.73 million, so we request that this be set as a minimum, and that the Clean Water Board determine the appropriate level of funding above this floor.

Finally, this regional service delivery mechanism is based on funding non-regulatory projects to help achieve water quality standards. Section 1389(e)(2)(A) prioritizes the funding of State agency programs that are required by permit (pg. 17 line 8). This would fund regulatory projects before other programs, including riparian projects, innovative technologies, education and other initiatives. We ask that (e)(2)(A) be re-established as (e)(3), to prioritize other projects and programs before those required by a permit.

In conclusion, we support the goals of S.96 to create a regional service delivery mechanism to distribute clean water funds to local partners for clean water projects to restore and protect Vermont’s waters, and we thank this Committee and the Vermont Agency of Natural Resources for their work.