

Potential Draft Comments on Draft Clean Water Utilities bill
January 2, 2019

1. We continue to support an increased investment in water quality improvement to achieve the State's clean water objectives and compliance with the federal Clean Water Act.
2. We understand that this bill is intended to provide a mechanism for increasing attention and investment in non-regulatory projects because close to 20% of the pollution reduction needed to meet our clean water goals will have to come from these types of projects.
3. We are seriously concerned that this bill moves non-regulatory projects from being incentivized through grants to be a requirement placed upon municipalities. We would prefer to see the focus remain on creating an effective and efficient grant program for these types of projects.
4. We would like to see an increased emphasis on identifying and prioritizing these non-regulatory projects through an enhanced tactical basin planning (TBP) process that includes more project identification and prioritization.
5. We support the concept of sub-state distribution of funds that will invest in priorities decided at the sub-state level as part of an enhanced tactical basin planning process. We also support assigning some level of target pollution reduction in the watershed, but would be concerned if the pollution reduction was just assigned to each municipality solely based on geography rather than considering other important issues such as land cover, soil types, slopes, etc.
6. We would like to see this bill build upon the existing RPCs and clean water advisory committee system rather than creating an entirely new level of local government. Working with DEC, RPCs have developed a regional decision-making structure at our clean water advisory committees that should provide the basis for the sub-state prioritization. These committees include the municipalities, natural resource conservation districts, recognized watershed associations and should also include DEC, AAFM, and VTrans representation for inclusive decision making. It is critical that all of these parties share in decision making and responsibility rather than making only the municipalities responsible for these non-regulatory projects.
7. We do not support the concept of creating a new level of government for this purpose and especially in the form of utilities with the ability to raise revenue and acquire property. The utility concept is too complicated in its proposed structure and creates more concerns and issues than necessary to address the needs.
8. The RPCs would be willing to work with the Agency and Legislature to evolve the current clean water advisory committees into committees that are organized around watershed boundaries rather than RPC boundaries. There are 14 watersheds and 11 RPCs. This would mean that one RPC would take the lead on one or two watershed-based clean water advisory committees with municipalities from adjacent RPCs in that watershed participating in decision making at that table.
9. We support the concept of making investments based upon the best value for the amount of pollution reduction achieved. In order for this concept to be implemented, there must be an estimating tool that allows RPCs and our clean water advisory committees to estimate pollution

reductions for these non-regulatory and regulatory projects. We support more investment to quickly develop this tool.

10. We are concerned that the idea of prioritizing the non-regulatory projects first for any grant funding may negatively impact current funding support for municipal requirements, especially MRGP. If the State does not continue to cost share these municipal requirements, it is forcing property tax increases locally.
11. We support accountability in reporting on the results and working to continuously improve the implementation of projects at a sub-state level.
12. We are concerned that this bill is making the system too complicated. If the intent is to spur investment in non-regulatory projects, make that a granting priority and administer it through the RPCs. There is no need to create a new system that appears quasi-regulatory for what are, by definition, non-regulatory projects.
13. If this district utility concept does go forward, we would like to work with you more on the criteria for membership, geography, management, etc. of these water quality districts.