

Facts to Action Panel: How Have Budget Cuts Already Affected Vermont?
Vermont Public Assets
October 21, 2009

- Trends in Environmental Protection
 - Set up programs with more self-certification, less permit oversight.
 - Goal is less people doing permitting, more for enforcement
 - But if then cut staff doing the enforcement, public is left cleaning up
 - Increased pollution resulting, more cleanup costs
 - Cost shifting from developers to Vermonters
- Who VNRC is and what I do
 - Oldest environmental NGO - 45th anniversary
 - 5,000 members
 - Programs
 - Energy (local energy committees)
 - Sustainable Communities (Wal-Mart)
 - Forest (Current Use)
 - Water (everything else)
- One example: Construction Stormwater General Permits
 - Broad permitting category
 - Everyone gets the same permit
 - >90% are self-certifying = no review to see if they even qualify
 - Quick = Less staff
 - Goal is to open up staff time for inspections, but then cut the staff that do inspections leaving a skeleton of regulation
 - Illusion of regulation, not real regulation
 - Weaken environmental protection = dirty water
 - If GPs meant same level of protection but quicker and more efficient, great.
 - Clean Water Act requires clean up of dirty waters, NGOs sue to compel ANR to meet the law
 - Taxpayer pays for cleanup while developers pollute, could have been prevented by appropriate permit oversight while enjoying less regulation and savings on pollution prevention that is required by law
- VNRC 2007 Report as example
 - Construction stormwater
 - Experience inspecting and permitting for ANR
 - Risk assessment by applicant = applicant determines level of regulation by ANR
 - 90% claim "low risk" = no review by ANR
 - Illusion of permitting, regulation and oversight
 - ANR review therefore is for 10% of projects
 - From 2002 – 2009 this is for >6,000 acres of soil
 - One acre of construction site can pollute up to 2,000 times more than a forested acre
 - Lots of impact to water quality in a short period of time (one or two storms)
 - VNRC Study
 - Reviewed 120/500 applications, visited 67 site, 29 in active construction
 - Only one site in mostly compliance, all others in violation: 28 of 29 sites had violations
 - Almost 100% non-compliance – permit conditions are not onerous – minimum requirements
 - Range of violations from minor to major
 - Major discharges had sediment going into the streams
 - Biggest source of pollution in VT, and US
 - Destroys fish habitat
 - Fills up culverts and bridges, fail, towns have to pay to repair
 - Sediment is phosphorus vehicle, pollutes the Lake, millions spent to clean it up with no results
 - Two enforcement actions since 1999 (at the time of report)
 - Set up permitting program that applicant determines level of regulation, level of compliance and pollutes for Vermonters to pay to clean it up
- Current trends
 - S. 137 and request for expanded GP authority by administration for expanded general permitting and self-certification
 - H313 and S127 and Act 54
 - Inaugural address excerpt below, Jan. 2009
 - Implement a program that is dependent on education and outreach, then cut the staff that does it, resulting in no oversight of who needs a permit or how they conduct their business
 - OSHA comparison
 - Law says "protect your employees from workplace accidents"
 - They decide how much workplace risk they have and therefore what they need to do
 - No one checks on either
 - Public pays for workers compensation after accidents happen
 - Actual protection set back to days before OSHA, but public believes OSHA is protecting people
- Summary
 - "Streamlined" permitting can have it's costs
 - Not in itself a bad thing (some programs are good fit for general permitting), but when results in cost-shifting and more polluted waters, it goes too far
 - Public expects our waters to be protected, and the law requires it
 - If you want clean waters, you must have some oversight by ANR
 - Cutting the ANR budget leads towards more self-certification/general permits and more pollution that we pay to clean up.