

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 - 45<sup>th</sup> 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.