

Act 76 Overview

Background

In 2016, the U.S. Environmental Protection Agency (EPA) introduced a pollution control plan – also referred to as a total maximum daily load (TMDL) – for Lake Champlain to address water quality concerns. The plan required Vermont to complete 28 milestones. Meeting these milestones would demonstrate Vermont’s ability to restore polluted water.

With the passage of Act 76, Vermont is on track to meet every milestone by mid-2019. Act 76 will be the funding and project delivery framework to ensure essential water quality projects achieve Vermont’s clean water goals. By committing nearly \$15 million in general fund revenue in the coming fiscal year to support clean water projects, and more than \$20 million annually for the foreseeable future, which in turn will leverage other funding sources resulting in an estimated annual clean water investment of more than \$50 million, Act 76 satisfies one of the most significant outstanding milestones: to secure sustainable, long-term funding needed to support this important work.

Act 76, explained

Three of the most fundamental aspects include:

1. **Non-regulatory project identification and prioritization:** Act 76 makes it easier to prioritize and fund non-regulatory projects. Non-regulatory projects include small-scale green stormwater management practices, conservation initiatives on Vermont farms, and natural resource restoration projects such as easements, wetlands restoration, or vegetated buffer plantings. While not required, these projects are essential to achieve the water quality goals spelled out in the [Lake Champlain and Lake Memphremagog TMDLs](#).
2. **Phosphorus reduction targets:** Act 76 places a greater emphasis on achieving phosphorous reduction targets set for each watershed.
3. **Clean Water Service Providers:** Act 76 establishes new regional organizations called clean water service providers (CWSP). CWSPs will be established in each major watershed to identify, implement and maintain local water quality projects.

How Act 76 will be implemented

Act 76 implementation will involve a joint effort between municipalities, water quality organizations, state agencies, and regional planning commissions. The role of each entity is listed below.

Clean Water Service Providers

- Use the State's new pollution reduction formula to determine which watershed projects will have the greatest potential to reduce phosphorus.
- Work with watershed organizations, Regional Planning Commissions (RPC), Natural Resources Conservation Districts (NRCD), and municipalities to identify and construct water quality projects to achieve reduction targets.
- List all watershed projects on State Watershed Projects Database.
- Receive funding to construct, operate, and maintain clean water projects.
- Create and convene Basin Councils to advise the CWSPs on project identification, prioritization, and tactical basin plans. Councils will consist of RPCs, NRCDs, municipalities, watershed organizations, and statewide land conservation organizations. CWSPs will cover the cost for the local organization and municipal staff participation.

Agency of Natural Resources

- Continue to administer the law, implementing clean water regulatory and permitting programs.
- Provide funding under the guidance of the Clean Water Board.
- Define the phosphorus targets that need to be reached in each watershed, and among different land uses, to fulfil Clean Water Act requirements.
- Set and assign annual and 5-year pollution reduction targets for each watershed. Targets will assess the pounds of phosphorus reduced per dollar spent.
- Guide and oversee the CWSPs responsible for accomplishing targets.
- Fully fund design, construction, operation, and maintenance costs for CWSP projects.
- Provide support and ongoing reporting to the General Assembly, Clean Water Board, and citizens.

Municipalities

- Continue to implement practices to reduce phosphorus runoff from roads and larger, previously unpermitted impervious surfaces such as parking lots.
- Continue to pursue wastewater treatment optimization or upgrades, as spelled out in the TMDL.
- For communities that are part of the Municipally Separated Storm Sewer System (MS4) program, continue to manage phosphorus as spelled out in the TMDL.
- Receive a consistent level of support from ANR to account for phosphorus reductions the achieve based on the rules of the Vermont Clean Water Act.
- Guide CWSPs by participating on the Basin Councils.
- Obtain financial support from the Clean Water Board annually to cover costs associated with implementing the requirements of the Vermont Clean Water Act.

How funding will be prioritized

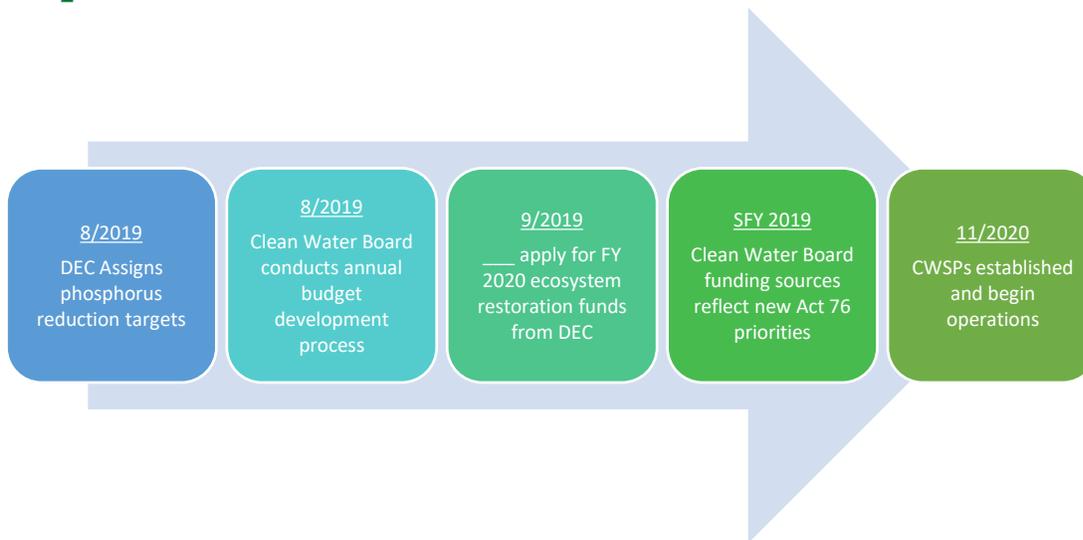
Act 76 prioritizes how State funds will be invested, based on Clean Water Board recommendations, listed below.

1. Fund non-regulatory actions and the reasonable operations and maintenance costs to maintain projects already built. Funds will be directed to CWSPs based on a formula which looks at available funds, total target reductions, and costs per pound of phosphorus reduced by land use sector.
2. Fund projects that enhance and maintain water quality in watersheds to prevent streams and lakes from unhealthy pollution that affects important uses such as swimming, fishing, or aquatic life.
3. Fund Vermont Clean Water Act requirements on public and municipally-owned lands.
4. Allocate funding to assist private landowners to comply with the Three Acre Stormwater Permit.

How progress will be measured

The State bears the ultimate responsibility to ensure that the overall goals of the TMDL cleanup plans are achieved. Individual permit-holders, such as municipalities or individual landowners, will continue to be responsible for meeting regulatory requirements. CWSPs will be responsible for achieving non-regulatory water pollution reductions.

Implementation timeline



For more information, please visit cleanwater.vermont.gov

Tentative Timeline for CWSP Establishment

Task	Due Date
Stakeholder Outreach Meeting - Level Setting on S96	9/1/2019
Individual Stakeholder Group Meetings	10/15/2019
Issue Q+A and Convene Stakeholder Group	11/1/2019
Develop criteria and desired qualifications for WSP	12/1/2019
Develop proposed Governance	12/1/2019
Issue RFQ providing criteria for evaluation.	1/1/2020
Outline and initiate drafting of rule language	4/1/2020
Pre-rulemaking outreach meetings (N LC Basin, S. LC Basin, Memph Basin)	5/1/2020
Final draft and propose to SOS for ICAR	6/1/2020
Public Comment Period	7/1/2020
Responsiveness Summary	9/10/2020
LCAR	9/25/2020
Final Adoption	11/1/2020