

Performance Partnership Agreement for Federal Fiscal Years 2024 - 2027

Between the Vermont Department of Environmental Conservation

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and the

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EXECUTION OF THE AGREEMENT

This Performance Partnership Agreement (Agreement or PPA) between the Vermont Department of Environmental Conservation (VTDEC) and the U.S. Environmental Protection Agency, Region I (EPA Region 1), covers the period from October 1, 2023, to September 30, 2027. It is consistent with the principles embodied in the U.S. Environmental Protection Agency and the Environmental Council of the States joint agreement to develop an effective National Environmental Performance Partnership System (NEPPS).

By entering into this Agreement, both agencies commit to: 1) improving communications using agreed upon outcomes and environmental measures; 2) aligning and integrating both agencies' goals, objectives, and targets; 3) investing resources in the identified Areas for Collaboration; and 4) ensuring that limited staff and financial resources are used judiciously to address the most significant environmental and programmatic issues in the state and region.

The undersigned execute this Agreement between the VTDEC and EPA Region 1 for federal fiscal years 2024 -2027. The Agreement, including the Areas for Collaboration, will be reviewed annually (as will the associated EPA Region 1 Priorities & Commitments Lists and VTDEC Comprehensive Work Plans), and modified as necessary to ensure that it remains relevant and up to date.

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II. OVERVIEW

A. Guiding Principles

The Vermont Department of Environmental Conservation (VTDEC) has entered into Performance Partnership Agreements (PPAs) with the Environmental Protection Agency, Region I since federal fiscal year 1997. This agreement continues this process which serves as the workplan for grants from EPA to the state covering a portion of the cost of operating VTDEC programs, as well as pass-through funds for other related projects. The development of the combined grants simplifies grant administration, provides the opportunity to prioritize the use of these funds as set forth in the PPA, and allows for fewer state and federal resources devoted to grant oversight, reporting, and administration.

This agreement covers a four-year period for federal fiscal years 2024, 2025, 2026 and 2027. Beginning in fiscal year 2024, the term of the Performance Partnership Grant (PPG) and the PPA have been synced and are both on the same 4-year cycle. In addition, the EPA/VTDEC's Priorities and Commitment List (P&C List), has been changed from renegotiating annually to renegotiating every two years with the opportunity to reopen during the second year for any necessary adjustments. The most recent P&C List for federal fiscal years (FFY) 2024 and 2025 is included in Appendix A.

B. Roles/Contributions of Each Agency

In recent years, EPA Region 1 has broadened its approach in working with New England states to be a more collaborative partnership effort through which EPA and the States pool their expertise and resources to work together to protect the environment and public health. EPA has allowed for increased flexibility in state's commitments to assist states in addressing budget shortfalls, staffing challenges and emerging state priorities.

EPA and VTDEC communicate regularly during negotiations of the 4-year Performance Partnership Agreement and the 2-year Priority and Commitments Lists. In addition, VTDEC reports annually on Vermont's progress through an end of year reporting template provided by the EPA and drafts comprehensive work plans by program, when required.

C. Strategic Investment/Disinvestment Process

In previous agreements, EPA Region 1 Senior Leadership and the Commissioners of the New England state environmental agencies periodically entered into specific negotiations around high-priority, major shifts (*i.e.*, strategic investments and disinvestments) in commitments. To date, the strategic investment/disinvestment work has given state partners the flexibility to identify priority investments and disinvestments to support the most critical environmental and public health priorities— operationalizing the National Environmental Performance Partnership System in a new way. In FY2016, all states elected not to have a separate process and that any necessary disinvestment will be addressed and documented in their respective two-year P&C Lists going forward, as well as any comprehensive work plans generated.

While the development of the FFY 2024-2027 PPA did not entail a separate strategic investment/ disinvestment exercise, this general approach is well embedded in the process for identifying potential Areas for Collaboration ([see Section V](#)), as well as the process for negotiating the two-year P&C Lists and any comprehensive work plans generated.

III. VTDEC and EPA Region 1 – Strategic Priorities

In this section, summarized versions of the Vermont Department of Environmental Conservation (VTDEC) and EPA Region 1 Strategic Priorities and Plans are provided. More detailed versions of the current VTDEC and EPA Region 1 Strategic Priorities and Plans are presented in the Appendices to identify the current environmental goals of both agencies.

A. VTDEC Strategic Priorities

In 2018, VTDEC established [Mission Driven Priorities](#) that focus on five key areas: Water, Land, Air, Communities and Customers. These priorities guide the VTDEC in the execution of our regulatory, assistance and outreach programs. Strategies and reporting on our progress on these priorities is including in VTDEC's annual [Environmental Indicators and Trends Report](#).

Our Water

- Ensure safe, affordable and sustainable drinking water.
- Protect, maintain, enhance and restore water quality in rivers, wetlands and lakes.
- Manage Vermont's groundwater as a public resource for all.

Our Land

- Support the re-use and development of previously contaminated sites.
- Minimize exposure to hazardous materials.
- Increase recycling and diversion of waste from households and businesses.

Our Air

- Improve public health by reducing emission of air toxics.
- Support climate policy with scientific analysis and timely emissions tracking.
- Maintain and improve Vermont's air quality and increase visibility across our landscape.

Our Communities

- Provide financial, technical and planning assistance to help communities protect Vermont's land, air and water.
- Support municipal investment in drinking water and wastewater infrastructure.
- Increase community resilience with natural hazard prevention, planning and response.

Our Customers

- Help Vermonters understand the environmental impact of personal and community decisions through communication, assistance, and enforcement.
- Deliver clear, fair, and predictable permitting decisions for applicants.
- Provide accurate environmental information and data to educate, guide and engage Vermonters.

B. EPA Region 1's Strategic Priorities

EPA's *FY 2022-2026 Strategic Plan* communicates the Agency's priorities and provides the roadmap for achieving its mission to protect human health and the environment. In this Strategic Plan, the Agency renews its commitment to the three principles articulated by William Ruckelshaus, who served as the EPA's first Administrator (1970 – 1973, and then again from 1983 – 1985), to: follow the science, follow the law, and be transparent. The Agency also adds a fourth foundational principle: advance justice and equity. We add this principle to infuse the consistent and systematic fair, just, and impartial treatment of all individuals into all EPA policies, practices, and programs. These principles form the basis of the Agency's culture and will guide our operations and decision making now and into the future.

Building on work already begun under President Biden's Executive Orders (E.O.s) 13985: *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government* and 14008: *Tackling the Climate Crisis at Home and Abroad*, and in alignment with the

Administration's whole-of-government approach, we are charting a course in this Strategic Plan where tackling climate change and advancing environmental justice and civil rights are integral to all we do in carrying out EPA's mission.

In accordance with these priorities, we have established new strategic goals on addressing climate change and environmental justice to signal the importance of these issues. Goal 1 focuses on cutting pollution that causes climate change and increasing the adaptive capacity of Tribes, states, territories, and communities, and Goal 2 focuses on achieving tangible progress for historically overburdened and underserved communities and ensuring the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income in developing and implementing environmental laws, regulations, and policies. We will embed this focus into the work we do to carry out our five programmatic strategic goals for enforcement and compliance, air quality, water quality, land revitalization, and chemical safety.

Our four cross-agency strategies describe the essential ways EPA will carry out its mission. These strategies include reinforcing science as foundational to Agency decision making; protecting children's environmental health; building back EPA's workforce with particular attention to equity and enhancing mission-support functions to achieve organizational excellence; and renewing our commitment to EPA's trust responsibility to Tribal nations and our engagement with Tribal, state, and local government partners, stakeholders, the regulated community, and the public.

EPA's Strategic Plan includes a suite of long-term performance goals (LTPGs) that reflect the quantifiable outcomes we will achieve for each strategic objective and cross-agency strategy by 2026. LTPGs will help us understand, monitor, and tell the story of progress we are making to partners and external stakeholders, Agency employees, and the public.

The EPA Strategic Plan identifies seven strategic goals to guide EPA's work, along with supporting Objectives under each of the key goals:

Goal 1: Tackle the Climate Crisis: Cut pollution that causes climate change and increase the adaptive capacity of Tribes, states, territories, and communities;

- Objective 1.1 – Reduce Emissions that Cause Climate Change
- Objective 1.2 – Accelerate Resilience and Adaptation to Climate Change Impacts
- Objective 1.3 – Advance International and Subnational Climate Efforts

Goal 2: Take Decisive Action to Advance Environmental Justice and Civil Rights: Achieve tangible progress for historically overburdened and underserved communities and ensure the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income in developing and implementing environmental laws, regulations, and policies;

- Objective 2.1 – Promote Environmental Justice and Civil Rights at the Federal, Tribal, State, and Local Levels
- Objective 2.2 – Embed Environmental Justice and Civil Rights into EPA's Programs, Policies, and Activities
- Objective 2.3 – Strengthen Civil Rights Enforcement in Communities with Environmental Justice Concerns

Goal 3: Enforce Environmental Laws and Ensure Compliance: Improve compliance with the nation’s environmental laws and hold violators accountable;

- Objective 3.1 – Hold Environmental Violators and Responsible Parties Accountable
- Objective 3.2 – Detect Violations and Promote Compliance

Goal 4: Ensure Clean and Healthy Air for All Communities: Protect human health and the environment from the harmful effects of air pollution;

- Objective 4.1 – Improve Air Quality and Reduce Localized Pollution and Health Impacts
- Objective 4.2 – Reduce Exposure to Radiation and Improve Indoor Air

Goal 5: Ensure Clean and Safe Water for All Communities: Provide clean and safe water for all communities and protect our nation’s waterbodies from degradation;

- Objective 5.1 – Ensure Safe Drinking Water and Reliable Water Infrastructure
- Objective 5.2 – Protect and Restore Waterbodies and Watersheds

Goal 6: Safeguard and Revitalize Communities: Restore land to safe and productive uses to improve communities and protect public health;

- Objective 6.1 – Clean Up and Restore Land for Productive Uses and Healthy Communities
- Objective 6.2 – Reduce Waste and Prevent Environmental Contamination
- Objective 6.3 – Prepare for and Respond to Environmental Emergencies

Goal 7: Ensure Safety of Chemicals for People and the Environment: Increase the safety of chemicals and pesticides and prevent pollution at the source;

- Objective 7.1 – Ensure Chemical and Pesticide Safety
- Objective 7.2 – Promote Pollution Prevention

In addition, EPA has identified three FY 2022-2023 Agency Priority Goals (APGs), which are intended to jumpstart actions and showcase progress toward EPA Administrator Michael Regan’s priorities:

- Phase down the production and consumption of hydrofluorocarbons;
- Clean up contaminated sites and invest in water infrastructure to enhance the livability and economic vitality of overburdened and underserved communities; and
- Housing and Urban Development (HUD) and EPA will reduce exposure to lead to protect families, particularly children, in overburdened and underserved communities.

C. Crosswalk Between USEPA’s Strategic Plans and VTDEC’s Strategic Priorities

State Goals	Our Water	Our Land	Our Air	Our Communities	Our Customers
US EPA Goals					
Goal 1: Tackle the Climate Crisis			x		
Goal 2: Take Decisive Action to Advance Environmental Justice and Civil Rights				x	x
Goal 3: Enforce Environmental Laws and Ensure Compliance					x
Goal 4: Ensure Clean and Healthy Air for All Communities			x		
Goal 5: Ensure Clean and Safe Water for All Communities	x				
Goal 6: Safeguard and Revitalize Communities		x		x	
Goal 7: Ensure Safety of Chemicals for People and the Environment		x			

IV. Grants Management

A. Budget Narrative

This Performance Partnership Agreement (PPA) covers federal fiscal years 2024 – 2027 (October 1, 2023 to September 30, 2027). The PPA, together with work plans (as represented by the associated P&C Lists and the related comprehensive VTDEC work plans), set forth the goals, sub-goals, objectives, programs, activities, deliverables, and measures of progress to address the full range of cooperative federal-state environmental programs under the Department’s jurisdiction. The Performance Partnership Grant (PPG) is a key vehicle for implementing the Agreement, in combination with other federal and state funding sources. The PPG currently combines the following federally-funded programs:

- Air Pollution Control – CAA Sec.105
- Water Pollution Control – CWA Sec.106
- Nonpoint Source Management -- CWA Sec. 319(h)
- Public Water System Supervision --SDWA Sec. 1443(a)
- Underground Injection Control – SDWA Sec. 1443(b)
- Solid Waste Disposal Act --SWDA (RCRA) Sec. 3011
- State Underground Storage Tanks – SWDA Sec. 2007(f)(2)

The Agreement and the associated work plans also include additional non-PPG funded work that is necessary to accomplish the environmental and public health goals set forth in the VTDEC’s Strategic Priorities and EPA Region 1’s Strategic Plans. VTDEC and EPA Region 1 will continue to explore opportunities for grant efficiencies, and measurement of environmental results.

Consistent with ***GPI 12-06, Timely Obligation, Award, and Expenditure of USEPA Grant Funds***, for multi-year awards, VTDEC should apply for the total amount of funds expected for the period covered by the award and include any required match in the application. The work plan should also cover the same time period. USEPA will fund the application incrementally as funds become available.

To be allowable under Federal awards, costs must meet the following general criteria, found in 2 CFR Part 200 (Subpart E), *Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Award*:

- Be necessary and reasonable for proper and efficient performance and administration of Federal awards.
- Be allocable to Federal awards under the provisions of this Circular.

- Be authorized or not prohibited under State or local laws or regulations.
- Conform to any limitations or exclusions set forth in these principles, Federal laws, terms and conditions of the Federal award, or other governing regulations as to types or amounts of cost items.
- Be consistent with policies, regulations, and procedures that apply uniformly to both Federal awards and other activities of the governmental unit.
- Be accorded consistent treatment. A cost may not be assigned to a Federal award as a direct cost if any other cost incurred for the same purpose in like circumstances has been allocated to the Federal award as an indirect cost.
- Except as otherwise provided for in this Circular, be determined in accordance with generally accepted accounting principles.
- Not be included as a cost or used to meet cost sharing or matching requirements of any other Federal award in either the current or a prior period, except as specifically provided by Federal law or regulation See also § 200.306 Cost sharing or matching paragraph (b).
- Be the net of all applicable credits.
- Be adequately documented. See also 2 CFR §§ 200.300, *Statutory and national policy requirements* through §200.309, *Period of performance of this part*.

B. Federal Regulations and Key Policies

All categorical environmental state grants, including PPGs, are governed by [40 CFR Part 35](#), State and Local Assistance, Subpart A, Environmental Program Grants (commonly referred to as Part 35); and all grants and agreements are also subject to 2 CFR Part 200 and 2 CFR Part 1500, Subpart E, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. PPGs and PPAs do not supersede any laws, regulations, or delegation agreements.

Some environmental program grants are awarded through a competitive process. An applicant and the Regional Administrator may agree to add funds available for a competitive grant to a Performance Partnership Grant. If this is done, the work plan commitments that would have been included in the competitive grant must be included in the Performance Partnership Grant work plan. After the funds have been added to the Performance Partnership Grant, the recipient does not need to account for these funds in accordance with the funds' original environmental program source, but remains accountable for delivering on work plan commitments.

Programmatic requirements. In order to include funds from an environmental program grant listed in §35.101 of this subpart in a Performance Partnership Grant, applicants must meet the requirements for award of each of the environmental programs from which funds are combined in the agency's Performance Partnership Grant, except the requirements at §35.268(b) and (c), 35.272, and 35.298 (c), (d), (e), and (g). These requirements can be found in the CFR beginning at §35.140.

PPG work plans are subject to the same requirements as any other grant work plan. The requirements can be found at [40 CFR 35.107](#). An approvable work plan must specify the following:

- The work plan components to be funded under the grant;
- The estimated work years and the estimated funding amounts for each work plan component;
- The work plan commitments for each work plan component and a time frame for their accomplishment;
- A performance evaluation process and reporting schedule in accordance with 40 CFR 35.115; and
- The roles and responsibilities of the recipient and USEPA in carrying out the work plan commitments.

The work plan must also be consistent with applicable federal statutes, regulations, circulars, Executive Orders, and USEPA delegations, approvals, or authorizations. The PPA or portion thereof that serves as a grant work plan must meet the same work plan requirements as for any state program grant. The portion(s) of a PPA that serve as a work plan must be clearly identified and distinguished from the rest of the PPA. The regulation at [40 CFR 35.107\(c\)](#) states:

“An applicant may use a Performance Partnership Agreement or a portion of a Performance Partnership Agreement as the work plan for an environmental program grant if the portions of the Performance Partnership Agreement that serve as all or part of the grant work plan: (1) Are clearly identified and distinguished from other portions of the Performance Partnership Agreement; and (2) Meet the requirements in §35.107(b). A PPG work plan should be the product of joint planning, priority setting and mutual agreement between the state and USEPA. The PPG grant work plan is the result of negotiations between USEPA and state program managers and staff. Successful PPG work plan negotiations rely on a predictable process that fosters prompt resolution of issues, including elevation of issues to senior management levels if necessary. In successful work plan negotiations USEPA and the state will reach a mutual understanding and agreement about what will be accomplished under the agreement.”

Opportunities for Grant Process Streamlining (GPI 12-06, Timely Obligation, Award, and Expenditure of USEPA Grant Funds):

- ***Estimating Budgets:*** Consistent with applicable National Program Managers (NPM) Guidance, USEPA should request States to develop and/or submit their work plans and applications based on the previous year’s award amount, or the amount derived from the President’s budget, whichever is higher. If amounts based on the President’s budget are not known, negotiations should be based on the previous year’s award amount.
- ***Focus Negotiations on New Priorities:*** Assuming that the level of funding is not significantly different from the previous year’s grant amount, the primary focus of work plan negotiations should be on new priorities consistent with applicable NPM guidance. Less emphasis should be placed on negotiating recurring activities/commitments where there is a satisfactory record of grant performance.
- ***Multi-Year Grant Awards:*** For multi-year grant awards, applicants should apply for the total amount of funds expected for the period

covered by the award and include any required match in the application. The work plan should also cover the same time period. USEPA will fund the application incrementally as funds become available.

- **Pen and Ink Changes:** If the final amount of funding is lower than the amount applied for, Regions will work with States to identify necessary changes. The State will not need to submit a revised work plan or new application. Regions will document and date through pen and ink changes/email correspondence, agreed-upon revisions to the work plan, budget narrative, and application forms.

Environmental Results (USEPA Order 5700.7, Environmental Results Under USEPA Assistance Grants)

[USEPA Order 5700.7](#) directs program offices to ensure that the work plan contains well-defined outputs and outcomes. For state assistance agreements under 40 CFR 35, Subpart A, program offices may satisfy this requirement by ensuring compliance with 40 CFR 35.107 as stated above. Prior to approving an assistance agreement work plan, program offices must ensure that they can link the work plan to USEPA's Strategic Plan architecture.

The term "output" in USEPA Order 5700.7 means an environmental activity, effort, and/or associated work product related to an environmental goal or objective that will be produced or provided over a period of time or by a specified date. Outputs may be quantitative or qualitative but must be measurable during an assistance agreement funding period.

The term "outcome" means the result, effect or consequence that will occur from carrying out an environmental program or activity that is related to an environmental or programmatic goal or objective. Outcomes may be environmental, behavioral, health-related or programmatic in nature, must be quantitative and may not necessarily be achievable within an assistance agreement funding period. Note: These terms and their uses are similarly defined in 40 CFR 35.102.

C. Range of Activities

The Vermont Department of Environmental Conservation (VTDEC) will use the Performance Partnership Grant, subject to the requirements below, to fund any activity that is eligible for funding under at least one of the environmental programs from which funds are combined into the grant.

The VTDEC will use the Performance Partnership Grant to fund multi-media activities that are eligible and have been agreed to by the Commissioner and the Regional Administrator. The range of activities vary as needed by program but may include staff time for program design and implementation to achieve measurable environment and public health results. Examples of activities include multi-media permitting and enforcement; pollution prevention, sampling, analysis, ecosystem management, community-based environmental protection, and/or other innovative approaches and activities.

D. Work Plan Development Process

Starting with FFY 2016, USEPA released a two-year NPM Guidance planning process and encouraged the Regions and the States to move towards multi-year work plans. For FFY 2016 and FFY 2017, EPA Region 1 and the Region I States agreed to pilot an on-line (via a Microsoft SharePoint site), two-year P&C List process for documenting negotiated Performance Partnership Grant commitments for the time period FFY 2016 - 2017. Under this approach, there is an expectation that the negotiated work plan commitments will cover a two-year period absent changed circumstances, as defined below. The benefits of this approach include minimizing/eliminating the need for extensive work plan negotiations at the mid-point of a two-year cycle, with recurring commitments from year one typically carrying over into year two. This approach will also better align the priorities communicated through the NPM and individual programmatic grant guidances with the commitments and flexibilities negotiated in grant work plans.

Adjustments to year-two commitments will be necessary if there are changed circumstances such as changes in Administrator/NPM priorities, revisions required by USEPA's Annual Commitment process, a substantial reduction or increase in USEPA funding, and similar issues experienced at the state levels.

E. Reporting & Measures for Evaluating Performance

For this Agreement, the Vermont Department of Environmental Conservation (VTDEC) will continue to produce regular (at least annual) status reports for the elements outlined in the P&C Lists, and status reports for identified Areas for Collaboration. VTDEC and EPA Region 1 agree to meet as needed to discuss progress and address any areas of concern.

VTDEC annual assessments (also known as "End-of-Year" Progress Reports) will strive to summarize results, track progress on identified P&C List Commitments, and Areas for Collaboration, identify areas where progress met or exceeded expectations, as well as areas where there may have been difficulty in achieving projected outcomes.

VTDEC and EPA Region 1 agree to develop (and to continuously improve) a process for jointly evaluating and reporting progress and accomplishments that comply with 40 CFR Part 31.115.

V. Areas for Collaboration

A. Areas for Collaboration Development Process

The concept of including a small number of Areas for Collaboration (AFCs) in each multi-year PPA has been introduced. In order to maintain a high level of attention on the new AFCs, and to gain the greatest benefits of a cooperative, problem-solving approach, close communication between both agencies is necessary throughout the Agreement period. Appropriate staff from the two organizations will provide coordinated, narrative updates to senior leadership at least annually to ensure that desired progress is being made on the selected AFCs. At the end of each year, the Areas for Collaboration will be reviewed and amended, as necessary. As appropriate, the organizations will work together to identify specific priority projects to be included on the Priorities and Commitments Lists. It is noted that there is no specific grant funding from the Performance Partnership Grant to carry out the work identified in this section, further supporting the need for annual recalibration of priorities and commitments in the AFCs as VTDEC resources allow.

It should be emphasized that exclusion of a particular issue or program area from the “Areas for Collaboration” section does not indicate a low priority or that significant work is not being accomplished in that area. All core VTDEC and EPA Region 1 services are ongoing and remain essential to protecting the environment and public health in Vermont and in New England.

B. Description of Areas for Collaboration

Environmental Justice

VTDEC, through the FFY 2024 – 2027 Performance Partnership Agreement (PPA), continues to ensure that environmental justice is an integral consideration in the development and implementation of all of its programs. Environmental justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin (including limited English proficiency), or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. (Source: U.S. Environmental Protection Agency). Environmental justice is based on the principle that everyone deserves a healthy environment, and that environmental benefits and burdens should be shared equitably.

In 2022, the State of Vermont passed Act 154, [an act relating to environmental justice in Vermont \(3 V.S.A. §§ 6001-6007\)](#). The purpose of the Vermont Environmental Justice Law (VT EJ Law) is to ensure all Vermonters regardless of race, cultural background, or income have equitable

access to environmental benefits such as clean air and water, healthy food, and public transportation. The VT EJ Law also protects communities from disproportionate environmental burdens such as polluted air and water, climate change impacts, and limited access to green spaces. The VT EJ Law requires State agencies to meaningfully engage Vermonters in the environmental decision-making processes. The VT EJ Law creates an [Environmental Justice Advisory Council](#) (Advisory Council) and an [Interagency Environmental Justice Committee](#) (Interagency Committee). The Advisory Council is composed of a range of community representatives, and they provide independent advice to State agencies and the General Assembly on matters related to environmental justice. The Interagency Committee is composed of representatives from ten State agencies, and they coordinate State agency implementation of the VT EJ Law. Over the coming years, the Advisory Council and Interagency Committee will work together to implement the VT EJ Law and ensure that State agencies embed environmental justice throughout the development, implementation, and enforcement of environmental laws, regulations, and policies.

The Vermont Agency of Natural Resources (VTANR) is the lead agency on coordination of the VT EJ Law's implementation and provides administrative, technical, and legal support to the Advisory Council and Interagency Committee. VTDEC is a department within VTANR and works closely with the VTANR's Environmental Justice and Civil Rights Unit to ensure that the efforts of the VTDEC are consistent with both the VT EJ Law and the priorities established by EPA and the White House's Justice40 Initiative. As a requirement of the VT EJ Law, each covered agency (including VTANR and VTDEC) shall create or adopt a community engagement plan that describes how the agency will engage with environmental justice focus populations as it evaluates new and existing activities and programs. Community engagement plans shall align with the core principles of engagement developed by the Interagency Committee and the Advisory Council. Each plan shall describe how the agency plans to provide meaningful participation in compliance with Title VI of the Civil Rights Act of 1964.

Over the past several years, VTDEC has begun the foundational work to meaningfully incorporate environmental justice and civil rights across all their programs. In 2022, VTANR adopted a Language Access Plan to provide that includes access to Limited English Proficiency individuals and compliance with the Americans with Disability Act. The VTDEC has also provided 9 hours of racial and social justice training to over 80% of VTDEC's staff with the goal of reaching 100% by the end of 2024. Lastly, VTDEC contracted with a partnership of organizations in Vermont to complete a community engagement pilot program. The results of this project were recently published in a report titled "[Connecting People to Power.](#)" This report provides direct feedback and recommendations to improve how VTDEC interacts with members of the environmental justice populations focusing specifically on BIPOC, youth, economically disadvantaged, and elderly communities.

VTDEC has also begun incorporating environmental justice into its programs, including:

- Creating an internal work plan and review process for federal and state environmental justice requirements
- Updating scoring on several funding applications/requests for proposals to consider equity for American Rescue Plan Act (ARPA) and Bipartisan Infrastructure Law (BIL) funding and disadvantaged communities for Justice40 programs and initiatives
- Considering how environmental justice is incorporated into each of the media areas (Air, Water, RCRA, Chemical Safety & P2, Enforcement & Compliance, and Cross-Media Admin) related to the PPA and P&C List

- Distributing funding for water infrastructure projects for low-income Vermont homeowners with failed on-site drinking water and wastewater systems and to manufactured housing communities through the Healthy Homes Initiative

Key Project Areas:

1. EJ Place-based Priority Areas and Sectors – VTDEC is committed to working with EPA Region 1 to jointly collaborate on projects in priority geographic areas including Burlington, Winooski, mobile homes/manufactured housing sector, and additional priority locations in Vermont. Joint activities include community engagement, identifying key local environment and public health priorities and identifying opportunities to focus available state and federal resources (e.g., education, outreach, training, compliance assistance, sampling, funding, etc.) to improve the quality of the environment and public health.
2. Mapping Tools – Where appropriate, VTDEC will use EPA’s environmental justice (EJ) mapping and screening tool (EJSCREEN) and the Climate and Economic Justice Tool (CEJST) to help to identify target communities and issues for additional investment and action beyond EJ Place-based Priority Areas and Sectors described above. As VT works to develop its own GIS mapping and targeting tools to comply with Act 154, EPA Region 1 will provide support, technical assistance and training.
3. Title VI and Limited English Proficiency – VTDEC will continue to develop programming and support to ensure that its subrecipients comply with Title VI of the Civil Rights Act of 1964 as well as Executive Order 13166’s Limited English Proficiency Requirements. (See LEP.gov and EPA’s civil rights webpage for additional information).
4. Public Health – Reduce public health exposure and risk from air and climate pollution and work to prevent childhood lead exposure from paint, soil, drinking water and other local sources in communities with the greatest remaining number of children with elevated blood lead levels.
5. Hazardous Waste and Brownfields – Continue to strive to ensure fairness in siting, monitoring, and/or clean-up of facilities and the regulation of activities that represent environmental hazards. The documentation on this issue suggests that for a variety of reasons, not necessarily discriminatory by intent, minority and lower income populations have sometimes borne a disproportionate share of the risks from activities which cause air, water, or soil pollution. EPA Region 1 and VTDEC will initially focus this effort in EJ Place-based Priority Areas identified above and work to expand in other jointly identified areas as resources allow.
6. Justice40 – VTDEC will also work with EPA Region 1 to meet the priorities and goal of the Justice40 Initiative, with at least 40 percent of the overall benefits of qualifying federal EPA investments flow to disadvantaged communities that are marginalized, underserved, and overburdened by pollution as outlined in Executive Order 14008.

7. Training and Technical Assistance Requests – EPA Region 1 will provide training and technical assistance support for EJ implementation on a range of environment and public health topics identified by VTDEC. EPA Region 1 will deliver Initial content planned to VTDEC in FY24 and additional topics to be prioritized annually.

VTDEC/EPA Region 1 Technical Contacts:

VTDEC Technical Contact(s): Megan Cousino

EPA Region 1 Technical Contact(s): Kristi Rea Simoneau

Addressing Climate Change

VTDEC will continue to experience a range of impacts from climate change including increases in air and water temperature, changes to precipitation patterns, sea level rise (SLR), more intense weather events and flooding, and seasonal shifts. The impacts of climate change are already affecting the lives and livelihoods of our residents and visitors, degrading ambient and indoor air quality, threatening public health, and damaging infrastructure, ecosystems, and social systems. As a result, there is broad consensus of the need to holistically address mitigation of greenhouse gas emissions to limit the magnitude and rate of climate change while also adapting to those impacts that are unavoidable. This approach should be integrated across all programs and media to the greatest extent possible.

Vermont’s Act 153(2020) – the Global Warming Solutions Act, or GWSA – establishes an ambitious timeframe and scope of work to advance climate action in Vermont. The first objective was the development of the Initial Vermont Climate Action Plan (“Plan”) which was developed by the Vermont Climate Council, with significant support from state staff, and adopted on December 1, 2021. The Plan identifies specific initiatives, programs, and strategies necessary to achieve the State’s greenhouse gas (GHG) emission reduction requirements, enhance carbons storage and sequestration, achieve net zero emissions by 2050, and build resilience and adaptation in our natural systems and built environment. A key recommendation of the Plan was the creation of the Vermont Office of Climate Action which was included in the FY23 state budget.

The policies, programs and tools needed to implement climate mitigation, adaptation, and resilience strategies will require a long-term intergovernmental structure to coordinate and manage this statewide effort. The Vermont Office of Climate Action (the “Office”) was established in the FY23 budget and is a division within the Secretary’s Office. The Office will coordinate and provide significant expertise and capacity on state-led climate initiatives, as well as the monitoring, assessment and tracking of climate adaptation, mitigation, and resilience activities necessary to evaluate progress over time in achieving the requirements of the GWSA through implementation of the Plan. To carry out this work, the Office will work closely with staff across ANR, including VTDEC, other state Agencies, the state climatologist, and key

stakeholders. This coordination will be critical from the onset to ensure the programmatic functions of the Office are additive and supportive of existing climate action work in state government.

To further advance coordination across state Agencies, an Inter-Agency Advisory Board (IAAB) to the Office was stood up that meets regularly. It was a priority to stand up this advisory board early in the process with the understanding it will play a critical role in the development of the Office. The objectives of this group are as follows:

- Provide a space for proactive coordination on climate action across state government.
- Articulate where policy and financial implications overlap around climate action to ensure resources are maximized.
- Support the monitoring of progress over time in meeting the state's climate goals and requirements.
- Identify and frame up gaps where the Office might prioritize support.
- Develop state positions on issues related to climate change.

Key project areas include:

1. Having good data is critical to understanding and quantifying GHG emissions in Vermont, as well as for tracking progress, and informing mitigation policies and strategies. State government is leading the efforts to refine and expand upon the data we collect, as well as to accurately quantify the programmatic activities we are currently deploying to inform how we measure and track progress in meeting our emission reduction requirements, as well as develop metrics for resilience, adaptation, and equity. Areas of focus include fuels data, the agricultural sector, and a life-cycle analysis of our energy use.
2. Designing mitigation policy that meets our emission reduction requirements and is cost effective is critical. Vermont based analyses focused on the transportation and buildings/thermal sector are underway to inform decision-making in these spaces. It is critical that we see those through before implementing specific policies. We can still make tangible progress in this space by investing in a GHG emissions reporting program that is foundational to the implementation of any of the policy choices being considered. Beyond that, government is focused on building the necessary infrastructure and supporting critical incentives needed to support the electrification of these two sectors, as well as deploying significant investments in complimentary policies, most notably weatherization. Further focus and coordination will be needed here to leverage historic federal investments such as the Inflation Reduction Act.

Acting on climate change requires a three-pronged approach of GHG emissions reduction, carbon sequestration, and building resilient and adaptative communities. Many Vermonters and Vermont communities are already feeling the impacts of climate change through impacts to their homes, community infrastructure, or their health. To help Vermont communities increase their resilience to the hazards posed by climate change, State government is building upon successful programs that provide tools and resources to help communities take adaptation actions to prepare for the current and future impacts of climate change. Additionally, government is developing the necessary tools to assess climate hazards and

vulnerabilities, including the development of the Municipal Vulnerability Index which will support towns understanding of where they have vulnerabilities and further support resources being allocated to mitigate those hazards.

Vermont and EPA share a common goal to tackle the climate crisis. Continuous coordination and communication can enhance and complement each agencies' efforts. Meetings such as the New England State Climate Coordinator calls allow for peer-to-peer learning and discussion of barriers and lessons learned, as well as present new opportunities for interstate collaboration. EPA and Vermont shall continue this dialogue and evaluate the need for additional options.

What a Successful Environmental, Public Health, or Efficiency Outcome Looks Like:

- Continued communication between VTDEC and EPA to share successes and lessons learned regarding climate resilient actions and GHG emission reductions;
- Collaboration within agencies in Vermont and across different states to consider how climate change may affect their work and any adaptive measures that may be taken to mitigate those vulnerabilities;
- Collaboration within VTDEC programs to ensure that the agency's outreach and education activities, loan and grant programs, rules and regulations, and public policy positions account for changing climatic and environmental conditions as well as minimize GHG emissions; and
- Continued education and engagement with communities—especially those most vulnerable to the impacts of climate change—to help respond to changing environmental conditions.

Actions Taken:

1. VTANR will participate in quarterly New England State Climate Coordinator calls and similar meetings to increase collaboration and communication on priorities and implementation strategies among state agencies and EPA.
2. VTDEC will consider climate smart investment opportunities across all programs in this PPA as appropriate.
3. VTDEC in collaboration with EPA will increase community resilience through natural hazard prevention, planning, and response.
4. VTDEC will collaborate with EPA on voluntary energy reduction strategies. As resources allow, VTDEC will encourage communities and facilities to use EPA tools to reduce their energy consumption.
5. VTDEC will continue to provide assistance to wastewater treatment and drinking water facilities on:
 - designing water systems upgrades and protecting existing infrastructure and water quality impacted by all hazards and extreme events, and

- increase energy efficiency and renewable energy generation and use.
6. VTANR will continue to participate in the Regional Greenhouse Gas Inventory.
 7. VTDEC and VTANR will collaborate with EPA to support communities in analyzing local risks and vulnerabilities, design and implement mitigation strategies, and support emergency response capabilities, in order to minimize the negative effects of climate changes on infrastructure, public health and natural systems.
 8. VTDEC will partner with EPA to strengthen watershed management practices through examination of policies, regulations, and standards to advance restoration actions and protect water quality impacted by climate hazards.

VTDEC/EPA Region 1 Technical Contacts:

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APPENDICES

DEC's Mission-Driven Priorities



OUR WATER



Ensure safe, affordable and sustainable drinking water.



Protect, maintain, enhance and restore water quality in rivers, wetlands and lakes.



Manage Vermont's groundwater as a public resource for all.

OUR LAND



Support the re-use and development of previously contaminated sites.



Minimize exposure to hazardous materials.



Increase recycling and diversion of waste from households and businesses.

OUR AIR



Improve public health by reducing emission of air toxics.



Support climate policy with scientific analysis and timely emissions tracking.



Maintain and improve Vermont's air quality and increase visibility across our landscape.

OUR COMMUNITIES



Provide financial, technical and planning assistance to help communities protect Vermont's land, air and water.



Support municipal investment in drinking water and wastewater infrastructure.



Increase community resilience with natural hazard prevention, planning and response.

OUR CUSTOMERS



Help Vermonters understand the environmental impact of personal and community decisions through communications, assistance, and enforcement.



Deliver clear, fair, and predictable permitting decisions for applicants.



Provide accurate environmental information and data to educate, guide and engage Vermonters.