



Special Mid-Session Report on the Legislature



The pace is really picking up at the State House, with scores of bills moving swiftly through floor debate this past week, and plenty more action to come. Here is a mid-year update on legislation VNRC has been working on, and our take on various bills.

Energy

The House this week approved a broad energy bill – [H.468](#) – which is geared toward spurring more renewable development generation and helping reduce greenhouse gas emissions. While it's a solid step forward, VNRC believes it falls short in how it deals with electricity generation from woody biomass.

The bill:

- Sets a goal of Vermont getting 75 percent of its electricity from renewable sources by 2032.
- Requires that utilities meet 35 percent of their portfolios with "new renewable energy" (developed since 2005) by 2032.
- Expands the Standard Offer program, which promotes small-scale (2.2 MW or less) renewable energy.
- Requires the Department of Public Service to study how to move Vermont towards a "Total Energy Standard." Such a standard would include targets for reducing use of non-renewable heating fuels and transportation, not just electricity as a typical Renewable Portfolio Standard does.

Requires ANR, in consultation with other agencies, to develop a greenhouse gas accounting protocol to achieve lifecycle accounting of greenhouse gas emissions from various energy sources.

All of these are good steps, but a major shortcoming is the bill's failure to ensure the efficient use of Vermont's woody biomass for electric energy.

Unfortunately, despite urging by VNRC, the Biomass Energy Resource Center and others, the bill fails to set out a process for ensuring the efficient use of Vermont's woody biomass resources. Despite the fact that maximizing efficiency is essential for reducing carbon impacts, the committee did not address this issue. This is disappointing, especially in light of the fact that a diverse "Biomass Energy Development Working Group" recommended — by consensus — setting a tiered efficiency standard in place for woody biomass energy projects in order to encourage more efficient projects. We hope the Senate tackles this critical issue when it considers the bill.

Waterways

Vermont's lakes and streams have been the focus of legislation this year, too. Lawmakers in the Senate are advancing a bill – [S.202](#) – to reduce the potential damage from flooding like that which occurred last year during Tropical Storm Irene.

The bill offers a modest increase in protections for public infrastructure, public safety, and river health.

Specifically, the legislation brings the state into compliance with the National Flood Insurance Program by requiring the state to regulate development in floodplains that is currently exempt from municipal regulation. It also requires ANR to help towns that currently have no zoning to manage development in floodplains/sensitive fluvial areas.

The bill would also fund two full-time positions (for one year) for ANR in order to continue the agency's river corridor mapping efforts. If ANR identifies a sensitive area of a river, known as a "fluvial erosion hazard area," ANR would be required to notify the respective town or towns. Though this information could be useful to in the regulation of development in these areas that are susceptible to inundation and fluvial erosion, the bill does not require that towns take any such action. The requirement that all towns adopt a fluvial erosion hazard bylaw or ordinance was stripped from the bill.

The measure was expected to pass the Senate this week and move on to the House for consideration.

Another bill – [H.779](#) – takes aim at curbing pollution in Lake Champlain.

The bill initially created several mechanisms to fund cleanup of Lake Champlain. As passed out of committee, the bill sets up a study to investigate funding mechanisms and other provisions related to the lake, impaired waters and high quality waters. The bill also adds a provision that transfers all rulemaking authority from the Water Resources Panel to the Agency of Natural Resources. VNRC has expressed some doubts about the wisdom of this change, but is working with ANR to find a mutually agreeable solution to this very important issue.

Otherwise, the bill simply requires that ANR study and propose legislation by January 2013. ANR is directed to look at an array of items, such as agricultural run-off, urban run-off, the St. Albans Bay critical areas assessment/plan, possible funding sources for a statewide water quality program, and others.

The House was expected to take up the bill on the floor this week.



Citizen Participation

VNRC is very pleased with the enactment of legislation relating to citizen participation in environmental enforcement. The bill – [H.258](#) – was signed into law in February. It gives citizens a chance to weigh in when the state proposes fines for violators of Vermont's environmental laws. The Conservation Law Foundation pushed hard for this positive measure, and VNRC strongly and actively supported that effort and we consider this an important legislative gain this year.



Working Landscape

VNRC has advocated for legislation supporting Vermont's working landscape in both the House and the Senate. Two bills – [H.496](#) in the House and [S.246](#) in the Senate – are expected to be debated in their respective chambers soon. Broadly, the bills include measures to assure that Vermont supports its working landscape by helping value added enterprises that rely on farms and forests. In a promising development for this effort, House lawmakers have set aside \$2.1 million for the fund that the bill would create.

VNRC is also advocating for passage of another working landscape-related bill – [H.237](#) – a bill that would help put the Current Use law on firm footing part by increasing the penalty for removing land from the program and developing it. The House passed the bill last year, and it awaits action in the Senate this year.



"Fracking"

VNRC has also been actively supporting anti-fracking legislation that has passed the House and will be taken up soon in the Senate. Currently, the bill – [H.464](#) – puts a three-year moratorium on hydraulic fracturing for oil and natural gas in Vermont. VNRC is urging the Senate to ban the practice altogether, because of the threats can pose to groundwater and surface water.

VNRC has been tracking several other bills, including:

- Department of Environmental Conservation fee bill ([H.769](#))
- Genuine Progress Indicator ([H.541/S.237](#))



As always, we welcome questions or comments about our work in the Legislature. Please be in touch with Jake Brown at jbrown@vnrc.org. And, if you are not already a member of VNRC, you can join by clicking [here](#).

Thanks or all you do!

Am I a VNRC member? Good question. Receiving this email does not necessarily mean you are a supporting-member, but now is a great time to become a member and join over 5,000 others dedicated to moving Vermont communities towards a healthy environmental and economic future. Your [donation](#) means a lot to us--and for Vermont!