

Sunset Advisory Commission
Board and Commission Review of NEIWPC
[NŪ-Ē-PĪK]
(New England Interstate Water Pollution Control Commission)
October 20, 2020

The Commission reviews every State board and commission and takes testimony regarding whether each board or commission should continue to operate or be eliminated and whether the powers and duties of any board or commission should be revised. Each board and commission has the burden of justifying its continued operation.

The Commission also reviews whether members of a board or commission should be entitled to a per diem and, if so, the amount of that per diem.

In testifying before the Commission, you should be able to provide the following information:

1. *In general, how often does the board and commission meet? Provide specific information on how often the board or commission has met in the past two fiscal years. Provide information on where agendas and minutes of meetings can be found.*

Response

NEIWPC Commissioners meet three times a year. NEIWPC meetings are scheduled to take place on the second Thursday and Friday of each January, the first Thursday and Friday of each May, and the second Thursday and Friday of each September. Meeting agendas and minutes are located on the NEIWPC website: <https://neiwpc.org/commissioner-login/commissioner-resources/commission-meetings/>.

Upcoming Meetings

January 7-8, 2021 Executive Committee and Commission Meeting, NEIWPC Headquarters, Lowell, MA
May 6-7, 2021 Executive Committee and Commission Meeting, Location TBD
September 9-10, 2021 Executive Committee and Commission Meeting, Location TBD

Prior Meetings

2020

September 10-11, 2020, Virtual Meeting: Zoom
COVID CANCELED: May 7-8, 2020, Old Saybrook, CT
January 9-10, 2020, NEIWPC Headquarters, Lowell, MA

2019

September 1-13, 2019, Saratoga Springs, NY
May 2-3, 2019, Providence, RI
January 10-11, 2019, NEIWPC Headquarters, Lowell, MA

2. *Provide the names of members of the board or commission, their term length and expiration, their appointing authority, and the amount of any per diem they receive.*

Response

The agency is led by its seven member states (the six New England states and New York). State governors each appoint five of the Commission's thirty-five members. Vermont's delegation comprises the heads of

the state's environmental-protection and public-health agencies supplemented by three highly experienced individuals from outside state government, providing the Green Mountain State with diverse expert representation.

Vermont Commissioners have a 6 year term limit. They do not receive any per diem for their service.

NEIWPCC COMMISSIONERS LIST, 2020-2021

OFFICERS

CHAIR Mark Klotz, New York
VICE CHAIR Pete LaFlamme, Vermont
TREASURER Harry Stewart, New Hampshire

COMMISSIONERS

VERMONT

Peter Walke – Commissioner, Department of Environmental Conservation, 2020
Represented by Pete LaFlamme – Director, Watershed Management Division, 2009. No term Limit
Dr. Mark Levine – Commissioner, Department of Health, 2017
Represented by Dr. Lori Cragin – Director, Environmental Health Division, 2019 No term Limit
Dennis Lutz, Essex Junction, 2010
2 Vacancies

CONNECTICUT

Katie Dykes Commissioner, Department of Energy and Environmental Protection, 2019
Represented by Yvonne Bolton - Chief, Bureau of Materials Management and Compliance Assurance, 2003
Represented by Jennifer Perry, Acting* – Director, Water Planning & Management Division, 2020
Renée D. Coleman-Mitchell – Commissioner, Department of Public Health, 2019
Denis Alberto Ceuvas, Waterbury 2018
Michael Bisi, Wethersfield, 2018
Jane K. Stahl, West Hartford, 2018

MAINE

Melanie Loyzim - Acting Commissioner, Department of Environmental Protection, 2019
Represented by Brian Kavanah – Co-Acting Director, Bureau of Water Quality, 2018
Jeanne Lambrew – Commissioner, Department of Health & Human Services, 2019
Represented by Nancy Beardsley – Director, Division of Environmental Health, 2008
Travis Noyes, Veazie, 2017
Brian Tarbuck, Augusta, 2016
David Van Slyke, Yarmouth, 2013

MASSACHUSETTS

Martin Suuberg – Commissioner, Department of Environmental Protection, 2015
Represented by Kathleen Baskin – Assistant Commissioner, Bureau of Water Resources, 2019
Dr. Monica Bharel – Commissioner, Department of Public Health, 2015
Represented by Jana Ferguson – Director, Bureau of Environmental Health, 2017
Paul Hogan, Holden, 2012

John Sullivan, Dorchester, 2012
F. Adam Yanulis, Cambridge, 2012

NEW HAMPSHIRE

Robert Scott – Commissioner, Department of Environmental Services, 2017
Represented by Thomas O’Donovan – Director, Water Division, 2019
Thomas Ballestero, Madbury, 2008
Fred McNeill, Manchester, 2008
Nelson Thibault, Nottingham, 1996
Robert Varney, Bedford, 2011

NEW YORK

Basil Seggos – Commissioner, Department of Environmental Conservation, 2015
Represented by Mark Klotz – Director, Division of Water, 2009
Dr. Howard Zucker – Commissioner, Department of Health, 2015
Represented by Dr. Roger Sokol – Director, Bureau of Water Supply Protection, 2013
Richard Lyons, Albany, 2015
2 Vacancies

RHODE ISLAND

Janet Coit – Director, Department of Environmental Management, 2010
Represented by Sue Kiernan, Acting* – Deputy Administrator, Office of Water Resources, 2020
Represented by Angelo Liberti, Acting* – Administrator, Office of Water Resources, 2020
Dr. Nicole Alexander-Scott – Director, Department of Health, 2015
Represented by June Swallow – Chief, Office of Drinking Water Quality, 2008
Russell Chateaufneuf, Cranston, 2013
Janine Burke-Wells, West Warwick, 2013
1 Vacancy

*Awaiting formal appointment.

3. *Provide an overview of the board or commission’s purpose.*

Response

NEIWPC is a regional commission that helps the states of the Northeast preserve and advance water quality. We engage and convene water quality professionals and other interested parties from New England and New York to collaborate on water, wastewater, and environmental science challenges across shared regions, ecosystems, and areas of expertise.

NEIWPC is administered by 35 Commissioners – five from each Compact-Member State. The Commissioners are appointed by the state Governors. For each state there should be a member representing the state water pollution control agency and another representing the state health department. The three non-agency Commissioners are members of the general public representing municipal, industrial, conservation and environmental interest groups.

It is anticipated that NEIWPC Commissioners:

- Be fully versed in the goals and objectives of the NEIWPCC Compact, and in the structure and operation of NEIWPCC.
- Provide periodic review and approval of the NEIWPCC Bylaws and Employee Handbook.
- Review and approve the annual NEIWPCC budget and Clean Water Act Section 106 work plan during the fall meeting of the Executive Committee and Commissioners.
- Potentially serve as a member of the NEIWPCC 5-person Audit Committee.
- Participate in all relevant Commissioner activities, including regular attendance at meetings of the Executive Committee and Commissioners (three annually, in January, May, and September).
- Coordinate with NEIWPCC and Commissioners, and represent state views regarding NEIWPCC issues and decisions.
- Represent NEIWPCC and its policy positions at meetings and other events, as appropriate.
- Serve in an advocacy role for the betterment of state/interstate water program objectives with the legislative and executive branches of state government.
- Advise NEIWPCC staff on priority issues of concern and advocate for NEIWPCC interests in their home state.
- Serve actively on one or more task forces or related NEIWPCC-sponsored groups, as requested by the Chairperson. Participate on workgroups of interest to Commissioners.
- Assist in the development of and endorse the finalization of NEIWPCC products including manuals, reports, and other publications.
- Work within the state to secure state dues, in-kind services, or related resources required to address NEIWPCC priorities.
- Provide staff with advice, support, and feedback on all aspects of NEIWPCC activity, including priority setting, project management, program development, and advocacy.
- Be accessible to NEIWPCC staff for periodic inquiries.

4. *Is that purpose still needed? What would happen if the board or commission no longer fulfilled that purpose?*

Since 1951 Vermont has coordinated its water-protection efforts with neighboring states through its membership in NEIWPCC. Beginning in 1947, when Congress chartered NEIWPCC, NEIWPCC has added states, staff, and programs such as the Lake Champlain Basin Program. In the Northeast, watersheds cross many political borders. NEIWPCC has long been the means by which its member states pull together to protect their water resources. Many of NEIWPCC's activities span several states, or address problems and needs that all the states share. NEIWPCC coordinates forums and events that encourage cooperation among the states, develops resources that foster progress on water issues, represents the region in matters of federal policy, trains environmental professionals, manages programs and grants, initiates and oversees scientific research, educates the public, and provides overall leadership in water management and protection.

NEIWPCC's purpose of advancing clean water in the Northeast through collaboration with, and service to, our member states is still currently necessary and NEIWPCC is doing an outstanding job of filling this role. The growth of population and development of the Northeast states resulted in pollution of interstate streams, ponds and lakes and pollution which constitutes a menace to the health, welfare and economic prosperity of the people living in the area. The abatement of existing pollution and the control of future pollution in the interstate waters of the Northeast continues to be an area of prime importance and can best be accomplished through the cooperation of the states in the maintenance of NEIWPCC.

5. *How well is the board or commission performing in executing that purpose? What evidence can you provide to substantiate that performance?*

NEIWPC's Annual Report provides a review of our activities over the course of our fiscal year, which begins on October 1 and ends on September 30.

Each year, NEIWPC coordinates, funds, and assists dozens of research efforts useful to its member states. This includes field research performed by the NEIWPC staff, research coordinated by NEIWPC but performed by others, and research performed by the recipients of grants awarded or administered by the Commission. Even very local research may have regional implications.

Apart from NEIWPC's formal meetings, perhaps no single part of NEIWPC embodies better this mission of regional collaboration and state-federal engagement than the nineteen active workgroups on such critical topics as volunteer monitoring, underground storage tanks, and nonpoint source pollution. In this way, NEIWPC member states gain access to invaluable knowledge of new technologies and techniques, programmatic approaches, and regulatory requirements.

6. *If the purpose is still needed, can State government be more effective and efficient if the purpose was executed in a different manner?*

No. NEIWPC is organized around the core principle of service to, and collaboration with, our seven member states—Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont.

As an interstate commission, established by an Act of Congress in 1947, NEIWPC has some jurisdiction over the waters of New England and New York. Watersheds do not always fit neatly within state boundaries, and there are many environmental similarities across our member states. NEIWPC engages and convenes water quality professionals and other stakeholders across the Northeast to collaborate on clean water and environmental science challenges across shared regions, ecosystems, and areas of expertise.

7. *If the purpose is still needed, do any of your board or commission's functions overlap or duplicate those of another State board or commission or federal or State agency? If so, is your board or commission still the best entity to fulfill the purpose?*

No, NEIWPC is a unique organization.

8. *Does the board or commission's enabling law continue to correctly reflect the purpose and activities of the board or commission?*

Yes. Pursuant to the provisions of No. 148 of the Acts of 1949, as amended by No. 132 of the Acts of 1951; on behalf of the State of Vermont, execution of the New England Interstate Water Pollution Control Compact as set forth in said No. 148 of the Acts of 1949 as amended by said No. 132 of the Acts of 1951 and heretofore ratified by the States of Massachusetts, Connecticut, Rhode Island and New York, and approved by act of the Congress of the United States. Approved as to form Signed this 29th day of June, A.D. 1951 /s/ Clifton S. Parker /s/ Lee E. Emerson Attorney General Governor of the State of Vermont.

9. *Provide a list of the board and commission's last fiscal year expenditures including staffing costs. How are these funded?*

See NEIWPC Statements of Operating Expenses for the Years Ended September 30, 2019 and 2018, attached. Expenditures are funded through a combination of Federal Grants and Cooperative Agreements, as well as contracts with member States and local governments of our member states.

Costs allocable to each funding source are charged directly to the benefitted source. NEIWPC has a Negotiated Indirect Cost Rate Agreement (NICRA) with the EPA (our cognizant agency) to cover overhead expenses not directly allocable to a funding source. Indirect costs above our negotiated rate is part of the subsequent year's calculation for our NICRA.

Salaries and wages for each position are funded based on specific grant and contract funds.

Board members are unpaid.

10. *Is the board or commission required by law to prepare any reports or studies for the Legislature, the Governor, or any State agency or officer? If so, have those reports or studies been produced? Does the board or commission have ongoing reporting obligations?*

NEIWPC is required to prepare an Annual Report to submit to the Legislature, Governor and State of Vermont DEC. These have been produced and shared since 1948. The fiscal and operating year of the Commission ends September 30. The annual report is submitted to the Governors and Vermont legislative body no later than the following June 30.

Commissioners receive financial reports of NEIWPC at the regularly scheduled meetings of the Commission. An annual budget is developed by the NEIWPC Executive Director and submitted at least fourteen days before the Annual Meeting for approval at the Annual Meeting by the Commissioners.

Audits of financial accounts are made at least annually by a certified public accountant within 90 days after the end of the fiscal year and at such other times as authorized and/or requested by the Commissioners.

11. *How would you measure the performance of the board or commission?*

The NEIWPC Commission is strong, effective and nimble. The performance of the group is outstanding. A most recent achievement of the group is NEIWPC's Water Program Priorities Document, October 2020. NEIWPC's Water Program Priorities articulate the near- and medium-term programmatic goals of the organization and are updated every five years. The purpose of this document is not to catalogue all of the organization's work—past, present, or planned—but to provide a snapshot of the evolving water-related topics on which NEIWPC is poised to make progress and on which our member states have indicated interest in NEIWPC's attention. More information on NEIWPC's work can be found on our website and in our publications, including our Annual Report, Interstate Waters magazine, and e-newsletter.

NEIWPC's 2020 Water Program Priorities include the following five topics:

- Contaminants of Emerging Concern/PFAS
- Watershed Planning and Waterbody Protection
- Infrastructure and State Revolving Fund
- Clean Water Act Reauthorization
- Training and Certification

New England Interstate Water Pollution Control Commission
Statements of Operating Expenses
For the Years Ended September 30, 2019 and 2018

	2019	2018
Personnel and related costs		
Salaries and wages	\$ 7,176,623	\$ 6,789,387
Payroll taxes and fringe benefits	2,540,968	2,316,837
Total personnel and related costs	<u>9,717,591</u>	<u>9,106,224</u>
Other expenses		
Contractual - cash expenditures	2,721,034	3,656,621
Contractual match - donated services	618,947	947,690
Professional services	849,940	458,926
Travel	378,241	462,337
Occupancy expense	263,239	331,142
Meetings and conferences	432,633	191,635
Office supplies and expense	281,220	224,813
Computer support and supplies	117,393	118,172
Printing	58,709	74,562
Telephone	50,893	48,703
Insurance	44,301	76,809
Depreciation	27,758	51,931
Equipment rental	44,268	36,422
Conference and meeting registrations	48,510	38,652
Advertising for recruitment	26,305	28,256
Billing services	30,781	34,577
Auditing and accounting	36,800	38,500
Other program costs	10,033	9,347
Dues and subscriptions	32,953	20,172
Training expense	9,156	11,875
Postage and mailing	27,554	26,193
Vehicle expense	15,569	21,718
Payroll service	20,037	20,126
Text books	30,641	23,840
Bank service charges	15,603	16,860
Equipment	3,993	55,100
Miscellaneous expense	29,970	20,622
Refunds of tuition and fees	2,010	5,265
Service contracts	3,229	5,551
Tuition reimbursement	4,521	3,046
Legal fees	6,400	160
Publications	3,441	723
Copy supplies and expense	1,013	955
Total other expenses	<u>6,247,095</u>	<u>7,061,301</u>
Total operating expenses	<u>\$ 15,964,686</u>	<u>\$ 16,167,525</u>

The accompanying notes are an integral part of the financial statements.

Since 1951, Vermont has coordinated its water-protection efforts with neighboring states through its membership in the New England Interstate Water Pollution Control Commission. Beginning in 1947, when Congress chartered NEIWPCC, the Commission has added states, staff, and programs such as the Lake Champlain Basin Program.

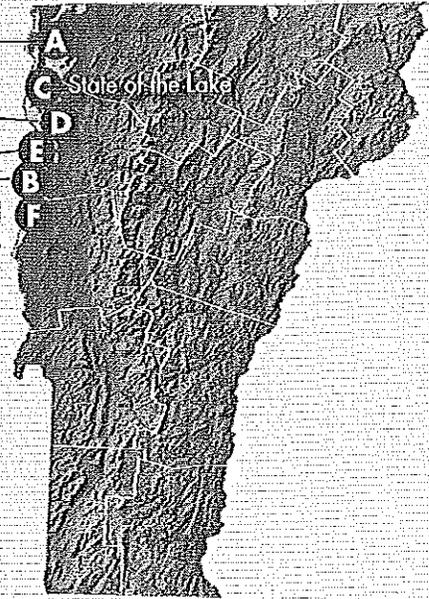
In the Northeast, watersheds cross many political borders. NEIWPCC has long been the means by which its member states pull together to protect their water resources. Many of NEIWPCC's activities span several states, or address problems and needs that all the states share. The Commission coordinates forums and events that encourage cooperation among the states, develops resources that foster progress on water issues, represents the region in matters of federal policy, trains environmental professionals, manages programs and grants, initiates and oversees scientific research, educates the public, and provides overall leadership in water management and protection.

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Apart from the Commission's formal meetings, perhaps no single part of NEIWPCC embodies better this mission of regional collaboration and state-federal engagement than the Commission's nineteen active workgroups on such critical topics as volunteer monitoring, underground storage tanks, and nonpoint source pollution. In this way, NEIWPCC member states gain access to invaluable knowledge of new technologies and techniques, programmatic approaches, and regulatory requirements.

The agency is led by its seven member states (the six New England states and New York). State governors each appoint five of the Commission's thirty-five members. Vermont's delegation comprises the heads of the state's environmental-protection and public-health agencies supplemented by three highly experienced individuals from outside state government, providing the Green Mountain State with diverse expert representation. As a member state, Vermont appropriates funds to support the Commission's work; the Commission sets state dues every five years. In fiscal 2018, the combined contribution from our states was \$156,493, or 0.5 percent of the total monies directed to NEIWPCC during the year (\$33,788,237). While the majority of the Commission's funding, therefore, comes from other sources—primarily federal

Public Access — A
Research — C
Education — D
Resiliency — E
Environmental Educators — B



grants, state contracts, and fees generated by our training and certification programs—the dues paid by states are indispensable to NEIWPCC's ability to serve Vermont and the other member states. The following highlights are just a few of the achievements in 2018 that illustrate the significant return on Vermont's contribution to NEIWPCC.

2018 Selected Highlights: Vermont

A The Northern Forest Canoe Trail crosses Lake Champlain on its 740-mile track from the heart of the Adirondacks to the northern tip of Maine. Last year the trail organization used \$9,729 from the NEIWPCC's Lake Champlain Basin Program (LCBP) to connect high school and college students to the waters of the basin. Students created a river access staircase (Saranac River) and a river access trail, ramp, picnic area, and interpretive sign (Missisquoi). They also installed a new primitive campsite (Lamoille) and other projects.

Another education grant will fund a museum exhibit about invasive species that threaten the lake (ECHO, Leahy Center for Lake Champlain in Burlington, \$9,619). The grants program funded educational programs for children and adults in South Hero. The educational programs focus on natural history, water quality, and stewardship (South Hero Land Trust, \$10,000).

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Another grant will produce a series of video segments to guide homeowners through steps to assess stormwater on their properties. The segments (\$10,000) are based on a workshop held annually by the grantee, the Northwest Regional Planning Commission.

The LCBP awarded \$118,735 in education grants to fifteen Vermont communities and organizations last year through its Local Implementation Grants Program. Although the grants in this program are small, they have a big impact. This program allocates funds entrusted to the LCBP by the EPA. Another popular segment of the grants program is pollution prevention (\$143,983 in eight Vermont grants last year).

B The Lake Champlain Basin Program, through all of its grants programs, awarded \$494,244 to 39 projects in Vermont in fiscal 2018. Since 1992, the LCBP has awarded more than 1,130 such grants in Vermont and New York, totaling more than \$8 million.

This year, the largest of these grants (\$125,000) went to the City of South Burlington Stormwater Services to retrofit four retaining basins in a residential neighborhood. The basins make the stormwater system more resilient to flooding and extreme weather events, and reduce runoff to Lake Champlain. The agency is Vermont's first stormwater utility and the project incorporates several best management practices.

G The 2018 *State of the Lake* report from the Lake Champlain Basin Program (LCBP) is the first comprehensive survey of the health of Lake Champlain in three years. The thirty-two-page report describes Lake Champlain in terms of the four main goals of the Basin Program's strategic plan, *Opportunities for Action*, as follows: clean water, healthy ecosystems, thriving communities, and an informed and involved public.

The report's graphics and maps share facts about everything from phosphorus pollution to recreational uses of the lake. Other topics include toxins, fish health, cyanobacteria, invasive species, and citizen engagement.

Building on the LCBP's long history of lake stewardship, the report also indicates trends over time. It concludes with a scorecard showing the status and current trends of nine key indicators by lake segment. The report has its own website that reproduces all the sections of the report. The program assesses the state of the lake every three years, and has revised *Opportunities for Action* three times since 1996.

D More than 200 researchers, watershed managers, and other Lake Champlain stakeholders came together in Burlington last January for a research conference hosted by the Lake Champlain Basin Program. The meeting, at the University of Vermont, focused on the past, present, and future of the lake. It included interdisciplinary sessions on climate change, cyanobacteria, native fish restoration, and cultural heritage.

Dan Egan, Pulitzer Prize nominee and author of *The Death and Life of the Great Lakes*, gave the keynote address, which was free and open to the public. His presentation focused on the challenges and opportunities facing the Great Lakes, including Champlain. All the Great Lakes stakeholders are tackling the same problems: invasive species, climate change, and cyanobacterial

blooms caused by nutrient runoff. The audience appreciated hearing about the lessons learned from management of Lake Champlain's bigger siblings.

The two-day event also provided opportunities for discussion and networking. The conference featured representation and research from New York, Vermont, Québec, and beyond. Sessions included a discussion of algal dynamics in shallow embayments, tile-drainage systems in agriculture, insights from long-term monitoring of nutrient pollution, and stormwater treatment technologies.

E In Burlington, three LCBP staff members serve as Resource Room specialists at ECHO, Leahy Center for Lake Champlain. Housed in an innovative science and nature center on the Burlington waterfront, the Lake Champlain Resource Room welcomed 27,764 visitors during the fiscal year. Guests included tour groups, youth and professional programs, individuals, families, and students of all ages. The Resource Room features exhibits, computer stations, and interactive activities. An extensive library of lake and basin information, educator resources, and technical documents is available to assist visitors with investigation, research, and curriculum planning.

In addition to welcoming visitors, answering questions, and curating the special exhibits and year-round resources, NEIWPCC's Resource Room staff hosted custom programs for eighteen student and youth groups and seven adult professional groups. 273 students participated in custom programs this past fiscal year, including 35 students from the International Earth Science Olympiads, 180 University of Vermont Environmental Studies students, 16 students from the Champlain College Ethics and Environment class, and a 12-member Girl Scout troop.

Many of the eighty-six adults attending custom programs came from educational, recreational, and environmental groups. Visitors included fifteen educators with the Champlain Research Experience for Secondary Teachers. Twenty-one participants were affiliated with the Vermont Law School's U.S.-Asia Partnerships for Environmental Law.

F Every two years, the Lake Champlain Basin Program offers training to one of the most important groups involved in environmental education in Vermont: schoolteachers. A NEIWPCC staff member at the LCBP coordinates "A Watershed for Every Classroom," a graduate-level course offered through the Champlain Basin Education Initiative. The class meets throughout the year, in July, October, January, March, and May, offering inspiration, knowledge, and skills to help teachers frame exciting place-based curriculums.

Six educators came to Shelburne Farms for the course's 2018 kickoff in July. The event included a paddle and a landscape analysis on the nearby LaPlatte River and a geology lesson on Mount Philo. The program has trained seventy-seven educators since its inception in 2007, and has reached hundreds of other teachers who participate in the spring sessions. The Champlain Basin Education Initiative is a consortium of seven environmental and place-based education groups throughout the Lake Champlain Basin. It nurtures and is nurtured by the LCBP, which funds "A Watershed for Every Classroom."