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February 13, 2014

Honorable David Deen, Chair
House Fish, Wildlife and Water Resources Committee
Vermont State House
Montpelier, VT 05633

Dear Chairman Deen:

Your committee asked what should be included in H.586, the water cleanup bill, from the perspective of city and town governments.

VLCT has several proposals for inclusion, and we support your efforts to address non-point sources of stormwater. We do, however, believe strongly that it is premature to propose and institute a new fee structure to fund program implementation before we know how much money will be needed or to which activities those new dollars would be directed. Those conversations will be more appropriate in the next legislative session once the Environmental Protection Agency and the State of Vermont have signed an agreement for the cleanup of Lake Champlain.

One of the contributors of sediment to waterways is the gravel road. Local roads have been termed “low hanging fruit” by the Commissioner of the Department of Environmental Conservation, and assessments are that they contribute 5.6 percent of phosphorus loads that go into the lake. To date, 151 municipalities have adopted the new Road and Bridge Standards.

Current statute provides exemptions from local weight limits and travel restrictions on gravel roads for agricultural service vehicles. Local roads are most frequently posted in the spring during mud season, when major damage can be done and runoff may be significant.

“23 V.S.A. § 1400d. Agricultural service vehicles

(a) An agricultural service vehicle, as defined in subdivision 4(71) of this title, shall be exempt from the provisions of sections 1400 and 1400a of this title if the gross weight does not exceed 60,000 pounds.

(b) Municipalities shall not be liable for injuries or damages to agricultural service vehicles or their operators that result from crossing a posted bridge with an agricultural service vehicle that weighs more than the posted weight limit.”

Agricultural service vehicles include commercial manure spreaders and lime trucks with huge tires. It is not a farm vehicle as defined in Title 23 section 4

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(71) as “ a motor truck that... is used for the purpose of transporting to or from a farm: agricultural inputs, including lime, fertilizer, commercial feed or forages; or agricultural outputs, including milk, vegetables, fruit, horticultural crops, forages or livestock.”

It is very difficult to pinpoint the source of a gravel road’s damage. However, when agricultural service vehicles are making multiple trips over soft roads, significant damage and runoff occurs. We urge you to delete the exemption from local weight limits for agricultural service vehicles.

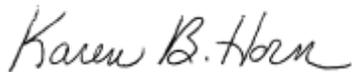
The state should implement a pilot nutrient trading program that would enable municipal governments and contributors of non-point stormwater discharges to the lake to work together to abate some of those non-point sources and receive credit for any achieved reductions. In 2012, the Chesapeake Bay Commission released a report on Nutrient Trading for that watershed that provides a roadmap for developing a program.

Any legislation that seeks to impose a fee for stormwater mitigation must accommodate local programs and fees that are already in place in several Municipal Separate Storm Sewer Systems (MS4) municipalities to implement the wide array of programs they undertake today.

Any requirements for municipalities must give credit for work that is being accomplished today.

Thank you for the opportunity to comment once again on this legislation.

Sincerely,

A handwritten signature in cursive script that reads "Karen B. Horn".

Karen B. Horn, Director
Public Policy and Advocacy