

H.35: An Act Relating to Improving the Quality of State Waters:

January 30, 2015 Laurie Adams, Assistant Director Burlington DPW Water Quality

Summary of Testimony

Burlington's Approach & Commitment to Water Quality

- Introductions
- We thank you for the opportunity to comment on the H.35 bill, and look forward to working with you on advancing the goal of improved water quality in Lake Champlain and the surrounding watersheds. We see promising indications that a fresh look at water quality policy is occurring during this session, and are particularly interested in the measures which serve to start to better control of agricultural sources of phosphorus (and other pollutant) pollution. As we, and our legislators, examine the possible impacts of the elements of H.35 on a community like Burlington, it will be imperative that measures are included in the bill to target all the various sources of phosphorus pollution, including agricultural, along with ensuring that the cumulative impacts of the legislation do not disproportionately affect only more densely populated municipalities and their budgets.
- Today, we hope to start a dialogue with you, and will: 1) provide you with a background of Burlington's work on water quality, explain how the City plans to evaluate water quality legislative proposals, and identify sections of the bill we plan to watch closely due to their potential impact on the City's stormwater and wastewater programs and budgets.
- Burlington has numerous water quality challenges which will require significant investment
 - 4 CSOs
 - 3 Stormwater impaired watersheds
 - Bacterial TMDL
 - Likely Chloride TMDLs, with the adoption of the new VT Chloride standard
 - Lake Champlain TMDL
 - All of the above on top of AGING infrastructure
- Burlington is one of the few municipalities in VT that has a Stormwater Utility
- In December 2008, the City Council adopted a comprehensive rewrite of the city ordinance Chapter 26, Wastewater, Stormwater & Pollution Control
- The revised ordinance incorporated all of the stormwater regulations into one document including, construction site erosion control, post construction stormwater management, enforcement and illicit discharges & connections.
- Our jurisdictional threshold for project review under our stormwater ordinance is much more stringent than the State standard
- The ordinance also provided for the establishment of an impervious based stormwater user fee structure. This fee structure, along with the initial impervious rate set by the City Council, became effective in March 2009.
- The fee initially raised ~\$750,000 and with an increase in January 2014, now raises approximately \$1.094 M

- Revenue collected from the fee is solely dedicated to supporting Burlington's efforts around precipitation driven pollution.
- Funds raised so far have allowed for inspections and maintenance of the stormwater collection system and outfalls, combined sewer overflow reduction projects, public education, compliance with MS4 permit obligations and continued water quality retrofit planning efforts such as the Centennial Brook Flow Restoration Plan (draft completed in 2014) and the current development of the Englesby Flow Restoration Plan. Supports 2 full time staff members (as of 2014), and partially funds an engineering position, a catch basin vactor operator and assistant. Our system includes:
 - Overall our collection system includes 148.12 total miles of sanitary/combined/storm sewer pipes with over 100 stormwater outfalls
- In addition to the Stormwater Fund there are three Wastewater Treatment Plants, 25 pump stations, 100 miles of collection system and 13 associated staff
- Annual budgetary costs for Wastewater \$7.9 M
- Main Wastewater at 5.3 MGD treats stormwater & wastewater in a vortex separator for storm events
- A family in Burlington pays \$707 annually for Wastewater & Stormwater
- The Mayor, DPW and Burlingtonians are committed to improving water quality in our receiving waters, but must ensure that legislation is fair, effective, efficient and flexible
 - Provide more explanation of what this means. See Mayor's comments to VEC.
Fair: All Vermonters benefit from healthy lakes and streams and, therefore, all Vermonters should contribute to funding in some manner. Policies that target some wastewater plants to reduce phosphorus to 0.2 mg/l, while others do nothing more may be effective, but clearly is not fair.
Flexibility is both critical and efficient such as contemplated trading scenarios. This includes trading within lake segments for wastewater plants and trading across larger sectors, i.e. loading between agriculture, MS4, and wastewater.
- While we do not yet have formal comments yet on the municipally oriented elements of the bill, there are a few items which we wish to identify for your committee as areas of concern for our community or where we feel more clarity may be needed in the bill:
 - Under Further Review, High Priority items
 - Page 77, §1625 AWARDS FOR POLLUTION ABATEMENT PROJECTS
 - Page 62, §1285 STORMWATER, MUNICIPAL ROADS in general and
 - Page 65, line 8: General Permits for municipal roads
 - Page 67 §1387 CLEAN WATER FUND
 - Additional items of concern/additional review
 - Page 33, line 6 – Sec 18. Anti-degradation Policy Implementation
 - Page 58, line 15 – §1264 (d)(4) Exemption from §1264 for "(4) stormwater systems that were permitted under this section and for which municipality has assumed full legal responsibility for that stormwater system."

- Page 58, line 19 §1264 (e) Residual Designation Authority
- Page 60, §1264 (f) (10): re: “authorizing in permitting process use of certifications of compliance by licensed PE’s”

Conclusion

We would like to offer to provide further help in the future and at your request Megan Moir, our Stormwater Program Manager can provide testimony on some of the items outlined previously.