



February 23, 2016

David Deen, Chair
House Fish, Wildlife and Water Resources Committee
State House
115 State St. 05633-0531
Montpelier VT

Dear Chairman Deen,

I am writing to comment on H. 674, the bill to dictate notification of combined sewer overflows and overflows from sanitary sewers and combined sewer systems.

We note that the Agency of Natural Resources is currently taking comments on the draft Combined Sewer Overflow rule, which addresses many of the same issues raised in H. 674.

Please be aware that combined and sanitary sewage overflows are one aspect of a host of mandates on municipalities to upgrade their wastewater treatment facilities and to stem the discharge of non-point sources of pollution. The cost associated with addressing all such mandates is tremendous, as you have heard from a number of local officials this session. According to the Department of Environmental Conservation in November 2015, to the best of their knowledge, 69 combined sewage outfalls remained across 17 municipalities. "Eliminating combined sewer overflows (CSOs) typically involved building separate sewers and or reducing the amount of stormwater, both of which are tremendously expensive to plan, design, and construct. Unfortunately, those outfalls that have been experiencing repeated discharges are also the most difficult and expensive (~\$2.1 million per outfall, \$126 million total) to eliminate." This issue highlights, once again, the need to authorize integrated planning at the municipal level.

A significant limitations that municipalities face with respect to H. 674, is that most wastewater treatment facilities are not covered by operators on a twenty-four hour seven day a week basis. The timeframe for reporting needs to be reasonable and to recognize that operators give the most accurate information possible within the constraints of the law. We urge you to amend 10 V.S.A. 1285 (b) Notice, (1) (D) to provide that operators of wastewater treatment facilities be required to report as soon as is possible but at most, within twelve hours of detection of an overflow. (Prior to the Department launching its web-based system for self-reporting CSO events, operators would report an event to DEC staff within 24 hours or the next business day, with web posting following that). By giving a bit more time to report an overflow, operators will be more likely able to report accurate volume of total overflow discharges and the accurate constituent composition of that overflow.

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Sincerely,

Karen Horn
Director, Public Policy & Advocacy