

Notes for Testimony to House Natural Resources Fish & Wildlife Committee on S.101 by Annette Smith of Vermonters for a Clean Environment, April 14, 2021

Slide 2 - Everything is connected. S.101 was amended in the Senate from individual to multiple connections. Multiple connections means large developments producing large amounts of sewage. Not just affordable housing -- all development.

Slide 3 - No worries, though, we have been told there is no connection between water quality and what is proposed in S.101

Slide 4 - Except, well, there is a connection, as acknowledged by Senator Bray on the Senate Floor.

Slide 5 - These waters are impaired because they have more human fecal matter in them than they should. It is coming from the Wastewater Treatment Facilities because they do not have adequate wet weather capacity and have not been regularly upgraded to the limits of technology. Anything you hook up in dry weather is going to overflow in wet weather.

Slide 6 - This bill raises numerous issues. Do Laws and Regulations that are supposed to protect water quality mean anything?

Slide 7 - These are just some of the expired (under Administrative Extension) NPDES (Nip Dees) permits in the Otter Creek basin. The next witnesses will assure you they will be issuing the new permits by the end of the year.

Slide 8 - When our treatment plants are operating to the limits of technology, then we can consider new hook-ups. I recommend you read the Responsiveness Summary at this link to understand issues raised by CLF, all discounted by DEC. If you have never seen a Responsiveness Summary to public comments, this is worth reading. It's at the end of the document. It is the only public process at ANR. File comments, get told you are all wrong. Permit issued.

Slide 9 - 1272 orders say yes, we know, we're watching you, we want you to do something about this. That's about all they do.

Slide 10 - Governor Scott wants to exempt these areas from ARPA and Act 250. We have these problems because of exemptions. If we want to solve problems why are we adding exemptions?

Slide 11 - Some Downtown Development District systems have expired (Administrative Extensions) NPDES permits, some have current NPDES permits but 1272 orders and CSOs

Slide 13 – Village Centers also have sewage overflows.

Slide 14 – I would like to thank James Ehlers for providing me with this information. You should hear from James directly. He gave excellent testimony to the Senate Committee and has been working tirelessly on this issue for years.

Slide 15 – When the Commissioner of DEC tries to tell you the problem is rainwater, please realize this is the real problem.

Slide 16 – Here you can see the impacts of neglecting infrastructure. All of this flows into Middlebury and Lake Champlain. How do your constituents feel about that?

Slides 19 + 20 - use cursor to point out water quality impairment

Slide 21 - Some systems that have current NPDES permits have a record of Combined Sewer Overflows and are under 1272 enforcement orders.

Go through flood zone slides quickly

Slide 32 – This water bubbles up out of the mountain a mile from where I am speaking, the headwaters of Lake Champlain, some of the purest water in Vermont. It flows downhill and becomes the source of drinking water for thousands of Vermonters. As it flows downhill and north, it is impaired by preventable pollution. It is time to stop kicking the can down the road by giving developers more opportunity to foul people’s drinking water sources with fecal matter, urine, and toxins.

If your goal is expanding the TMDL list, leave Sections 7 and 8 because that is the predictable outcome. If you don’t address this now, who will?

Slide 33 - Thank you for listening. Any questions?

2 Databases for NPDES permits

Vermont ANR WASTEWATER National Pollutant Discharge Elimination System (NPDES) Permits

https://anrweb.vt.gov/DEC/IWIS/ReportViewer2.aspx?Report=WWActiveNPDESPermits&ViewParms=False#Pb579de1ed7734d9683d2c0d7124c5986_2_47iT0

EPA - Vermont Final Individual NPDES Permits

<https://www.epa.gov/npdes-permits/vermont-final-individual-npdes-permits>