

P. O. Box 512
Montpelier, Vermont 05601
March 9, 2021

Senate Natural Resources and Energy
working remotely

Subject: S.101 promoting housing in smart growth areas

Dear Committee:

Part of the bill (secs. 10 and 11) proposes to give municipalities the sole authority to authorize connections to their water supplies and wastewater treatment systems.

The problem is that too many of these municipal systems too often discharge untreated sewage or untreated combined sewage. Municipalities should not be given sole authority to allow new connections to systems that discharge effluent that is not fully treated.

Adverse effect of discharges of untreated or partially treated sewage

Discharges of untreated or partially treated sewage endanger the health and safety of individuals. These discharges have an adverse effect on water quality and impede our efforts to clean up our rivers, streams, lakes, and ponds. A municipality whose treatment facility or collection system discharges untreated or partially treated sewage or a combined sewage overflow should be prohibited from issuing water and wastewater permits for connections. This is not about compliance with a State permit; it is about whether water quality is adversely affected.

Discharges in 2019

There were 71 reported discharges of untreated or partially treated sewage unassociated with CSO's in 2019. Total discharges were about 12,000,000 gallons. These discharges occurred from 1/4 of the systems with direct discharge permits: Barre City, Bennington, Bethel, Brandon, Burlington Main, Burlington North, Burlington River, Cavendish, Essex Junction, Fair Haven, Hardwick, Ludlow, Lunenburg Fire District 2, Manchester, Middlebury, Montpelier, Newport City, Northfield, Pittsford, Proctor, Rutland, Shelburne 1 (Crown Road), Shelburne 2 (Harbor Road), South Burlington, St. Albans City, St. Johnsbury, Stowe, Troy & Jay, Wallingford Fire District 1, West Rutland, Williston, and Windsor Main.

In addition, there were 212 reported combined sewage overflows in 2019. A combined sewage overflow is a mixture of untreated sewage and stormwater. Total overflows were about 40,000,000 gallons. Every municipality with a combined sewer system had one or more overflows in 2019: Burlington, Enosburg Falls, Middlebury, Montpelier, Newport City, Northfield, Rutland, St. Albans, St. Johnsbury, and Vergennes.

Discharges in 2020

There were 35 reported discharges of untreated or partially treated sewage unassociated with CSO's in 2020. Total discharges were about 7,000,000 gallons. These discharges occurred from 1/3 of the systems with direct discharge permits: Arlington schools, Bellows Falls, Bennington, Bridgewater, Brighton, Burlington Main, Burlington River, Essex Junction, Hardwick, Hartford (Quechee), Lunenburg Fire District 2, Ludlow, Lyndon, Newport City, North Troy, Pawlet, Proctor, Randolph, Readsboro, St. Albans City, Shelburne 1 (Crown Road), Sheldon Springs, South Burlington, Stowe, Troy & Jay, Vergennes, West Rutland, Wilmington, and Windsor (Weston Heights).

In addition, there were 118 reported combined sewage overflows in 2020. This is despite the dryness of part of the year. Total overflows were about 9,000,000 gallons. Seven of the ten municipalities with a combined sewer system had one or more overflows in 2020: Burlington, Montpelier, Northfield, Rutland, St. Albans, St. Johnsbury, and Vergennes.

In 2019 and 2020 together, discharges of untreated or partially treated sewage unassociated with CSO's occurred at 47 wastewater treatment systems. That is more than half of the municipal wastewater systems with direct discharges.

I would not take the two years together as a trend. It takes multiple years to determine if there is a trend or not.

Existing infrastructure is in poor shape

The American Society of Civil Engineers' Vermont Section issued its most recent "Report Card for Vermont's Infrastructure" in 2019. The report card found that:

Drinking Water earned a grade of C-.

Stormwater earned a grade of D+.

Wastewater earned a grade of D+.

The report card has nine categories. The above grades are the three lowest on the report card. Until we can bring the grades up, we should be very careful of relaxing the authority for issuing connections to water supplies or wastewater systems.

Inherent conflict of interest of municipalities

Municipalities have an inherent conflict of interest. When the decision is adding more connections to a sewage system, which has priority? Allowing additional tax revenue and user fees through growth in the municipality and increasing pollution downstream? Protecting somebody else's downstream water quality and forgoing additional growth in their municipality? Given this choice, municipalities should not be the sole determiner of whether to add more connections.

Faults of sections 10 and 11 as proposed

The sections have no requirement that systems have capacity for additional connections. There is no requirement that systems be in compliance with their existing permits. There is no requirement for a municipality to demonstrate to DEC or anyone else that it has the safeguards to authorize connections.

Municipalities already have a procedure to issue permits

A municipality already may request authority to issue permits for service connections. Thus there is no need for sections 10 and 11 of this bill. Let the municipalities use the alternative procedure that now exists. That alternative procedure is at 10 V.S.A. §1976. The procedure in § 1976 requires a municipality to follow the provisions of 10 V.S.A. chapter 64 (potable water supply and wastewater system permit).

Conclusion

I ask that you prohibit a municipality from authorizing a connection to, or an increased discharge from, a wastewater treatment or collection system that is subject to overflows of municipal sewage or combined sewage. This can be done by:

- removing sections 10 and 11 from the bill, and
- adding § 1976(a)(1)(F) as follows "(F) there are no releases within the last ten years of untreated sewage, partially treated sewage, or combined sewage from the wastewater collection or treatment system."

Sincerely,
Thomas Weiss, P. E.