



To: Senate Committee on Natural Resources and Energy

3/22/2022

RE: H.466 Surface Water Regulation

Associated General Contractors of Vermont (AGC/VT) is the trade organization for contractors and construction workers in Vermont. We provide industry specific training, Occupational and Safety Health Administration (OSHA) and Mine Safety and Health Administration (MSHA) certifications and are home to nationally recognized safety instruction. Our members employ 15,000-20,000 in Vermont annually with careers offering wages and benefits well above Vermont's livable wage.

AGC/VT understands and is supportive of the purpose of protecting the waters of Vermont. Those contractors are currently performing many duties already to continue that mission including mitigation of runoff per the 3-acre rule, stormwater treatment to our roads, river resiliency after hurricane Irene and other heavy civil projects including wastewater and infrastructure work. In addition, those contractors will be rushed to complete work from ARPA and the recently passed infrastructure appropriations to improve our roadways which includes multimodal transportation and other projects planned to deal with climate change. While we support the idea of clean and healthy water ways, we have some concerns related to the language in H.466. We hope to create an easy to comply with reporting scheme and avoid another layer of permitting that would delay state projects that are time sensitive.

Contractors are currently using water in 3 predominant ways which can be from multiple sources (sometimes multiple per project) including surface water:

1. Dust mitigation to comply with the Federal Clean Air Act
2. Soil compaction for sub surfaces which is critical and part of state engineering requirements
3. Coolant for asphalt rollers

In any extraction of water the quality is assessed prior with the goal to get clean and pure water to protect expensive pumping equipment so a trickling trout stream or low level river would not be a quality source for contractors.

AGC/VT has two requests that would allow them to support H.466:

1. Amend the reporting section to include language from the Senate bill S.237 which would allow estimates of usage for less than 50,000 gallons per day and require metering for higher usage.
2. Amend the bill to include language that projects being done that the state or a municipality is the "owner" such as roads and bridges would not be subject to permitting. AGC/VT understands this can be accomplished in rule making but would be an appropriate prescription within the bill to avoid future complications.

Matt Musgrave
Associated General Contractors of Vermont