

P. O. Box 512
Montpelier, Vermont 05601
March 16, 2021

Senate Natural Resources and Energy
working remotely

Subject: S.101 promoting housing in smart growth areas

Dear Committee:

This letter supplements my testimony of March 11. I hope that you can place it as witness testimony to S.101, or at least to associate it with S.101. When you offered me the opportunity to respond to the other witnesses, there was so much to respond to. I was not sure how to begin or which points needed response. This letter contains those responses.

Adverse effect of more connections on combined sewer overflows

As you know, the purpose of a connection is to add more sewage to a sewer pipe. When there is more sewage in a pipe, there is less room for runoff. This means that it takes less runoff to initiate a combined sewer overflow. For a given storm, this means that during that storm: overflow will occur sooner; will last longer; and will overflow a larger volume than if the extra flow from a connection were not there.

One can argue (in the sense of giving reasons for or against something) how significant this effect is on water quality. The significance depends on local factors and on the receiving water. The local factors include how close the pipe and the wastewater treatment facility are to capacity. The effect on the receiving water includes whether the water is impaired and whether the additional overflow will violate Vermont's anti-degradation policy. The anti-degradation policy applies to all new permits. A connection permit is one type of new permit.

Mr. Wennberg did not present an argument on the significance of the sewage supplied by the new connections. He called it "ridiculous" to think that more connections will increase the duration and frequency of overflows. I agree that runoff initiates a combined sewer overflow. The amount of sewage in the pipe before the runoff determines how much runoff is needed to initiate an overflow. The overall effect of more connections will be to increase the frequency, the duration, and the volume of overflows.

Adverse effect of more connections on overflows caused by system malfunctions

More connections increase the amount of a discharge caused by a malfunction in most cases. If there is more sewage in a pipe, there will be a larger overflow. This is the case whether the overflow is caused by a leak, a pump failure, an obstruction in a pipe, or excessive runoff coming out of manholes.

Again, one can argue the significance of this. None did.

My point is that some municipalities should not have sole authority to issue connection permits

My testimony was not about preventing all connections to systems with combined sewer overflows or overflows due to malfunctions. My testimony was and still is, about requiring meaningful State oversight of the effect on water quality caused by adding more sewage to those systems that have experienced overflows. The purpose of the State review should include evaluating the effect on water quality. And whether overflows get into an impaired water body. The purpose should not be whether the system is in compliance with its permit.

Mr. Wennberg appears to have misunderstood my intent. I carefully placed my suggestion into the existing statute (10 V.S.A. §1976) that allows a municipality to issue permits without the State also issuing a permit. His response was that no one could get a permit. Under my proposal, one could get a permit if the State approved the connection.

And it turns out that fully one quarter of the municipal wastewater treatment systems in Vermont with direct discharge permits have had no overflows in the ten years 2011 through 2020. Under my suggestion, those systems would be allowed to request permission to be the sole authority to issue connections permits under § 1976. The remaining systems would still need oversight from the State before a connection permit would be issued.

For the reasons described above, municipalities that experience overflows due to combined sewer overflows or for overflows due to system malfunctions should not be granted sole authority to issue connection permits. Issuance of connection permits to municipalities with overflows should have meaningful State oversight.

Please recommend removing sections 10 and 11 from the bill.

Sincerely,
Thomas Weiss, P. E.