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House Committee on Environment and Energy
State House
Montpelier, Vermont

Subject: H.687

Dear Committee:

This is written testimony for H.687. Please recommend the following changes to H.687. (I'm not sure whether "recommend" is the correct term to use in this situation when you do not actually have the bill in your committee.

Recommendation: Change all use of "public" in regard to water or wastewater systems to "municipal".

"Public water system" is jargon used by EPA and DEC, based on how many individuals use the water.. A "public" water system is one which has at least 15 service connections or provides water to at least 25 individuals at least 60 days each year. Examples of public water systems are municipal water systems (such as the City of Montpelier's); private water companies (such as the one in East Montpelier, Crystal Springs, I believe is its name); mobile home parks; businesses on their own wells with at least 25 workers (factories; shopping centers

A "municipal water system" is one owned by a municipality.

Privately owned, public water systems are not under the control of the municipality in most instances. Some are regulated by DEC; others are regulated by the Public Utilities Commission. This means that the municipality has little or no control over when and where water mains are extended. The municipality has little or no control over when a water system might be expanded, in conformance with the municipal plan or not.

Allowing use of a privately-owned system to meet the requirements for designations or tiers will create innumerable problems down the road.

I found the following locations where this change should be made. There could be others. I searched on "public water". If the text places it in the form of "public sewer" (or wastewater or sewage) I did not search for that.

- Secs. 29 (House) / 28 (Senate) §6034
 - (b)(1)(G) Senate
- Secs. 40 (House) / 49 (Senate), §4348a
 - (a)(12)(A) Senate
 - (a)(12)(B) House and Senate
 - (a)(12)(B)(ii) Senate
 - (a)(12)(D) Senate
 - (a)(12)(G) House and Senate
- Secs. 47 (House) / 66 (Senate), new chapter 139 in title 24.
 - 5803(f)(3)(A)(vii) House and Senate

Recommendation: A municipal water or sewage system used for Tier 1A status must not be deficient

This is based on section 29 of the House version.

(I) ~~Permitted Municipal~~ water and wastewater systems with the capacity to support additional development within the Tier 1A area. The municipality shall have adopted consistent policies, by municipal plan and ordinance, on the allocation, connection, and extension of water and wastewater lines that include a defined and mapped service area to support the Tier 1A area. In order for the water and wastewater systems to qualify for Tier 1A status and benefits, the following conditions must be met.

(i) A municipal sewage system must have a current discharge permit or indirect discharge permit.

(ii) A municipal sewage system must not be under a 1272 order.

(iii) A municipal sewage system must not have had any unauthorized dry-weather discharges within the previous two years.

(iv) A municipality with combined sewer overflows needs to be in compliance with its plan to eliminate the overflows.

(v) A municipal water system must have all of its permits up to date and be in compliance with those permits.

NOTE: Open for discussion in (iii) is the time period and whether it should be limited to dry weather discharges. The governor recently put a significant amount of money into reducing combined sewer overflows. Acknowledging that support, I suggest limiting (iii) to unauthorized dry weather discharges. I chose a duration of 2 years on the basis that it will capture many of the systems with recurring problems and not capture those systems that really have an unexpected event. I do not consider pump failures due to a lack of adequate maintenance funding, or pipe failures from really old pipes, particularly along river banks or under rivers, to be unexpected.

Recommendation: A municipal water or sewage system used for Tier 1B status must not be deficient

This is based on section 28 of the House version.

§6033(c)(E) The municipality has water supply, wastewater infrastructure, or soils that can accommodate a community system for compact housing development in the area proposed for Tier 1B. In order to qualify for Tier 1B status and benefits,

(i) A municipal water supply must have all of its permits up to date and be in compliance with those permits

(ii) The wastewater infrastructure must

(aa) have a current discharge permit or indirect discharge permit.

(bb) not be under a 1272 order.

(cc) not have had any unauthorized dry-weather discharges within the previous two years.

(iii) The soils to be used for the community system must be under the legal control of the municipality through ownership or permanent easement.

This testimony is limited to these three recommendations, acknowledging that there is little time left in the session.

Again, please recommend and support the above changes to be in the final version of H.687.

Sincerely,
Thomas Weiss, P. E.