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## **Senate Committee on Natural Resources and Energy**

### **Testimony On Anti-Degradation**

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The Federation of Vermont Lakes and Ponds is a volunteer coalition of lake associations and individuals. From its inception in 1972 as an organization of lake associations in northern Vermont to its evolution into a statewide organization in 2001, the Federation has been dedicated to fostering water quality standards and preserving Vermont lakes, ponds, watersheds, and aquatic ecosystems.

Many of Vermont's 800 lakes and ponds remain some of the cleanest, most pristine lakes in the country. Yet, climate change, the spread of aquatic invasive species, rising phosphorus levels which can lead to dangerous cyanobacteria blooms, and increasing usage all pose threats to the state's public waters.

To protect Vermont's high quality waters, those lakes that exceed the Vermont Water Quality Standards (VWQS) should be reclassified as A1 watersheds. A1 reclassification would better protect water quality, require earlier state interventions if phosphorus levels rise, and enable priority access to funding for restoration.

The Department of Environmental Conservation has so far determined that at least twelve lakes: Caspian, Cole Pond (Jamaica), Coles Pond (Walden), Echo (Charleston), Maidstone, Newark, Raponda, Rescue, Seymour, Shadow, South Pond (Eden), and Stratton are eligible for reclassification. Together these lakes represent over 50,000 acres of watershed that would be protected

However, all work to protect these very special lakes and their watersheds has stalled because of an antiquated prohibition on the discharge of septic wastes into the watersheds of Class A waters as cited in Vermont Statute 10 V.S.A. § 1259 (d). This statute is now functioning as a barrier to increasing protections for lakes through reclassification.

Four of these lakes – Maidstone, Caspian, Echo, and Shadow - have submitted petitions to be reclassified but these petitions, while fully reviewed and deemed administratively complete, have been on hold for well over a year due to this prohibition.

The goal of this statute when it was passed in the 1970s was to protect surface waters in A1 watersheds by prohibiting any septic system that has a capacity of more than 1,000 gallons per day. That may have made sense then; however, today with newer innovative alternative systems, the focus solely on capacity no longer makes sense. Properly managed, these newer septic systems can dramatically reduce the strength of influent wastewater before it enters the leaching field. Such systems, which can manage larger capacities, can be scaled to fit most needs, are commercially available, and are a wise investment that will further protect these pristine waters.

*To preserve and protect Vermont's lakes, ponds, and their watersheds  
for the benefit of this and future generations.*

The current statute, however, does not allow such systems with larger capacities to be used in A1 watersheds even when the discharge from these larger systems is cleaner than that from conventional 1000 gallon systems.

While it may seem counterintuitive, lifting the 1000 gallon prohibition will actually provide more and greater protections to the state's highest quality waters.

For example, in 2022, seven property owners on the shores of Caspian Lake banded together to replace their individual failing septic systems with one shared system. This new system is situated farther from the lake shore – some 300 feet – rather than the 25-30 feet of some of the old residential systems. By replacing outdated and failing systems, this new combined system better protects water quality and ensures that wastewater is not leaking into the lake. If Caspian had been reclassified to A1 status under the current statute, such a system would not have been permitted leaving the lake more vulnerable to degradation.

Innovative and alternative systems, such as this one, are a good model for other lake communities with aging and ineffective wastewater systems. Installing larger, modern community systems can be a more efficient and cost-effective solution for lake health but currently would not be permitted in A1 watersheds.

This statute and the related pause on reclassification have also served as a barrier for other lakes eligible for reclassification to submit a petition.

For example, Seymour, which is eligible for A1 status, has not moved forward with its reclassification petition due to this 1000 gallon limitation. Seymour's large watershed encompasses much of the town of Morgan and parts of the town of Holland. Currently, reclassification to A1 status with the septic limitation would prohibit some types of needed economic development within these towns, including such things as building a new school. By removing the 1000 gallon limit and enacting the proposed anti-degradation rules, the Seymour watershed could be reclassified to A1 while better and cleaner, more modern, septic systems would be used within the watershed.

Maintaining this limit will not afford these high quality lakes greater protection nor will it reduce or control development in their watersheds. Rather if there is no change, these lakes and their watersheds will be left more vulnerable to pollutants and to degradation. The much more stringent requirements for permit review and impact analysis contained in the proposed anti-degradation rules will do far more to protect A1 watersheds than an antiquated septic capacity limitation can do.

The process to reclassify and protect our most pristine lakes has already been underway for nearly two years and still these lakes and their watersheds remain under protected. We urge you to not delay any longer but to remove the 1000 gallon/day prohibition and to enact the new anti-degradation rules to ensure necessary added protections for Vermont's most pristine public waters.