

ANR Input on H.479/S.127 Amendment(s)

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An Act Relating to Housing

- Possible ANR-related amendments
 - Report on new direct discharges to surface waters
 - Sewerline extensions
 - Wetlands in designated centers and industrial parks

Direct Discharges to Surface Waters

- Currently Vermont's Water Quality Standards include the following:

§ 29A-106 Discharge Policy

- (a) Discharge Criteria. In addition to the other provisions of these rules, new discharges of wastes may be allowed only when all the following criteria are met:
 - (1) The proposed discharge is in conformance with all applicable provisions of these rules including the classification of the receiving waters adopted by the Secretary as set forth in Appendix F of these rules.
 - (2) There is neither an alternative method of waste disposal, nor an alternative location for waste disposal, that would have a lesser impact on water quality including the quality of groundwater, or if there is such an alternative method or location, it would be clearly unreasonable to require its use.

Direct Discharges to Surface Waters

- Creates a preference for new “indirect” (soil-based) systems for treating community-scale domestic wastewater
 - There is a clear limit on the cost-effective size of indirect disposal systems
- Proposed amendment would ask ANR to prepare a report on the process for permitting new surface discharges, available funding sources for these projects and recommendations for improving the process

Sewerline Extensions

- Currently statute limits ANR's ability to make loans from the Clean Water State Revolving Loan Fund (SRF) for sewerline extensions to areas outside of a designated center
- Proposed amendment would make eligible for funding projects being constructed to serve new housing (10 V.S.A. § 1628 (b)):

Notwithstanding any other provision of law, the demonstration requirements of Agency of Natural Resources, Department of Environmental Conservation, Environmental Protection Rules, Chapter 2 - Municipal Pollution Control Priority System, Subchapter 300, shall be met when the municipality making application for funding under this Section certifies that the project shall include service for new housing units or wastewater capacity shall be reserved for new housing units.

Wetlands Permitting in Designated Centers

- Currently statute does not create any distinction between wetlands impacts occurring within a designated center or industrial park and those occurring across the broader landscape
 - Can make challenging achieving goals around compact settlement
- Proposed amendment would make the following adjustments in designated centers and industrial parks:
 - Reduce buffer zones around Class II wetlands from 50 feet to 25 feet
 - Limit jurisdiction to Class (I or) II wetlands identified on the Vermont Significant Wetlands Inventory (VSWI) maps
 - Reduce the mitigation ration from 2:1 to 1:1
 - For reference, in 2024 approximately the filling of approximately 1 acre of wetlands was permitted statewide; during this same timeframe roughly 135 acres of wetlands were conserved or restored by ANR

Wetlands Permitting in Designated Centers

- Direct the Agency to publish guidance on the wetland mitigation and compensation sequence, specifically:
...identify the process applicants should follow and the information and proof necessary to demonstrate a project has practicably avoided and minimized wetland impacts and is eligible for mitigation during the state wetland permit application process.