Some language has been brought to my attention in H.775 coming out of Senate Economic Development that could be problematic from DEC's standpoint. I've highlighted the language below. DEC has authority under 10 V.S.A. 1675 to prohibit connections to public water systems. While we do not use this authority often it does get used when there are significant infrastructure deficiencies where the public water system is not suitable for new connections to be made. Typically, in these instances, the moratorium on new connections goes into the public water systems operating permit, which would include a plan and schedule to remedy the deficiencies, and when satisfied a new permit would be issued to remove the connections moratorium. The language highlighted below seems to conflict and I wanted to bring this to your attention. Please let me know if you have any questions on this issue and would be willing to testify if necessary.

Regards,
Bryan

* * * Municipal Zoning * * *

Sec. 9. 24 V.S.A. § 4303 is amended to read:

§ 4303. DEFINITIONS

The following definitions shall apply throughout this chapter unless the context otherwise requires:

* * *

(42)(A) An area "served by municipal sewer and water infrastructure" means:

(i) an area where residential connections and expansions are available to municipal water and direct and indirect discharge wastewater systems and not prohibited by:

~~(I) State regulations or permits;~~

~~(II)~~ identified capacity constraints; or

~~(III)~~(II) municipally adopted ~~service and~~ capacity agreements; or