



vrwa@vtruralwater.org
www.vtruralwater.org
20 Susie Wilson Road, Suite B
Essex Junction, Vermont 05452
Phone (802)-660-4988
Fax (866) 378-7213

October 30, 2015

Julia Butzler
Vermont DEC Watershed Management Division
1 National Life Drive, Main 2
Montpelier, VT 05620-3522

Ms. Butzler,

Thanks to you, Commissioner Schuren, and Director LaFlamme of VT DEC for hosting the public hearing on October 28, 2015 to present information and also receive feedback on proposed changes to the *Vermont Combined Sewer Overflow Control Policy* (original 1990). It is evident you all put a great amount of time and effort into the noted updates. We did offer several comments on the proposed draft and asked some clarifying questions at the hearing. A brief summary of our feedback is listed below.

- As this policy is developed, please do consider there are many regulatory requirements being put upon Vermont communities and some consideration should be given to prioritizing and ranking these improvements. As we noted in the hearing, this is best summed up by a section of the United States Environmental Protection Agency Memorandum from October 27, 2011. The subject of this memorandum is, "Achieving Water Quality Through Integrated Municipal Stormwater and Wastewater Plans." On page one of the memorandum, the following is noted; "Today, the EPA, states and municipalities often focus on each CWA requirement individually for protecting water quality. As a result, we sometimes assess and implement the best alternative to solve one problem at a time without full consideration of all CWA obligations. This approach may have the unintended consequence of constraining a municipality from implementing the most cost-effective solutions in a sequence that addresses the most serious water quality issues first." Toward this goal, VRWA strongly recommends an approach that reviews all CWA required improvements such as TMDL, MS4, etc. and allows for investments first and foremost that will give the most pollution reduction per dollar invested. Toward that end this policy does not provide adequate time for phase-in and your department did not have awareness of all regulations coming at given communities all at once. In addition, VRWA is aware of VT DEC efforts to insure access to capital as contributing factors to determine when an upgrade can be achieved. This being noted, even with access to capital, the economy is tight at the user level and if costs for future improvements have to be absorbed by users alone for all regulations, without a prioritization approach, this will not be an achievable goal.
- It is noted in the draft policy update that in the event of a CSO discharge, notification by the system to the public and VT DEC must occur within 4 hours. We well understand the importance of providing public notification for situations like this, but a 4-hour response time will be impractical for many systems. This issue was discussed at the hearing and a point was made that only one wastewater system in the state has 24-hour staffing. Please consider eliminating the 4-hour requirement and listing as, "as soon as possible and not to exceed 24 hours." Bear in mind many of the identified CSO locations are remote, do not have power nearby, and in some instances cannot readily house a monitoring building / infrastructure site. For this item, more data must be acquired to determine the potential cost vs. environmental protection gained. As noted

above, ranking this investment against other initiatives for environmental protection should be a goal.

If you decide to seek out additional input on this issue, please be in contact with us. Thanks again for all your efforts to update the Combined Sewer Overflow Control Policy and for allowing VRWA the opportunity to provide feedback on this issue. Please keep us informed on this issue as the final policy is developed.

Sincerely,

A handwritten signature in black ink, appearing to read "Shaun Fielder". The signature is fluid and cursive, with the first name "Shaun" written in a larger, more prominent script than the last name "Fielder".

Shaun Fielder
Executive Director