Burlington Water Resources Division
Testimony to House Environment

Leveraging Existing Resources at the Municipal Level

S.212
and
Consideration of an Amendment to 10 VSA 1263 To Allow for Voluntary Delegation of Pre-Treatment Permitting to Local Publically Owned Treatment Works (POTWs)

April 2, 2026

QUESTIONS TO CONSIDER

- **How do we increase the # of affordable housing units while upholding our commitment to public health and the environment?**
  - Unless State staffing levels increase significantly, will Vermont environmental review infrastructure be able to adequately "keep up" with the housing projects that we all know are needed? How can existing local review be leveraged to ensure that State resources can support the places without local technical capacity?

- **How do we support housing densification in appropriate places with established <u>infrastructure</u>, so that as much of Vermont's open space as possible can be maintained?**
  - Since some of the places primed for density aren't necessarily "easy", how can the regulatory framework adapt to cost effectively support the need for significant technical, local review?



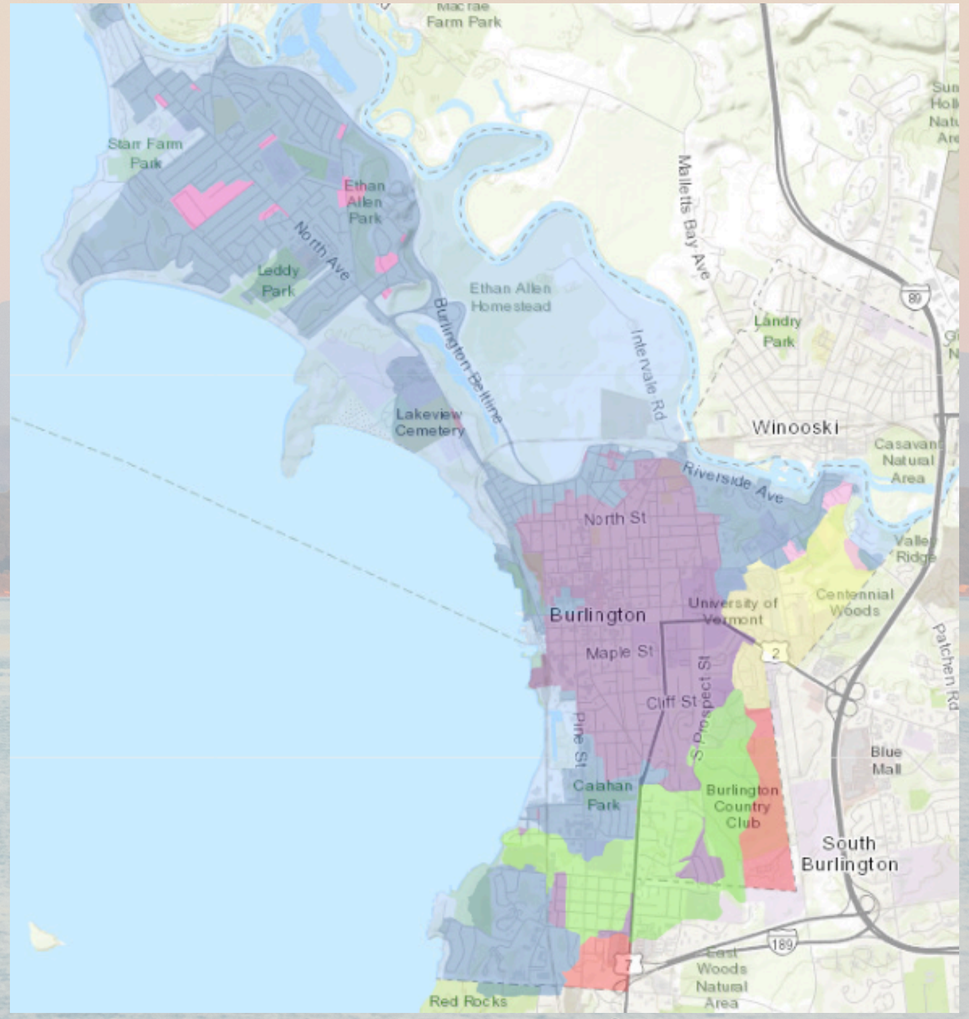




COMPLEX LOCAL CONDITIONS

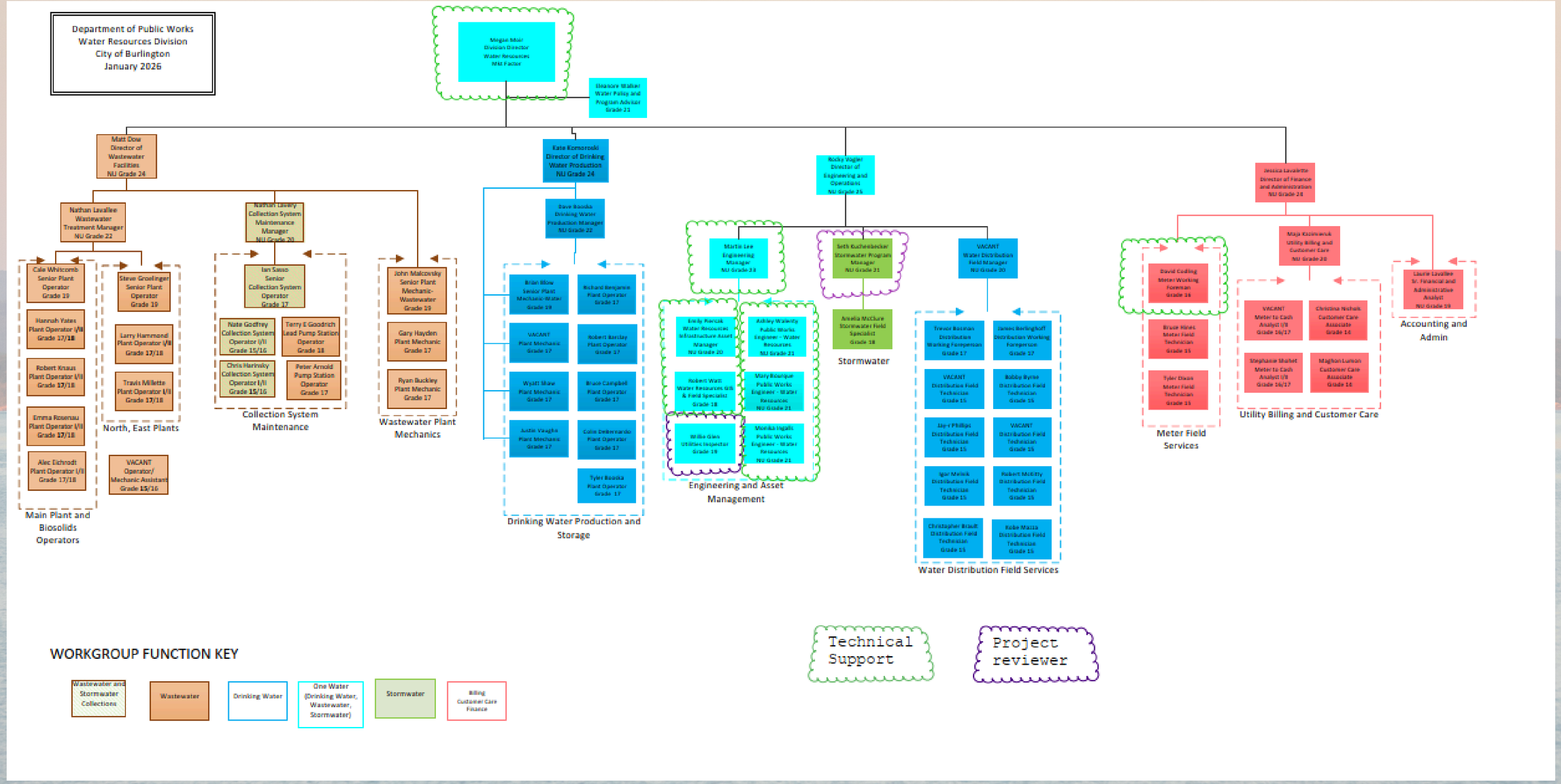


Lots and lots of pipes! The pipes have to be considered in capacity evaluations through careful inventory, mapping and calibrated computer models

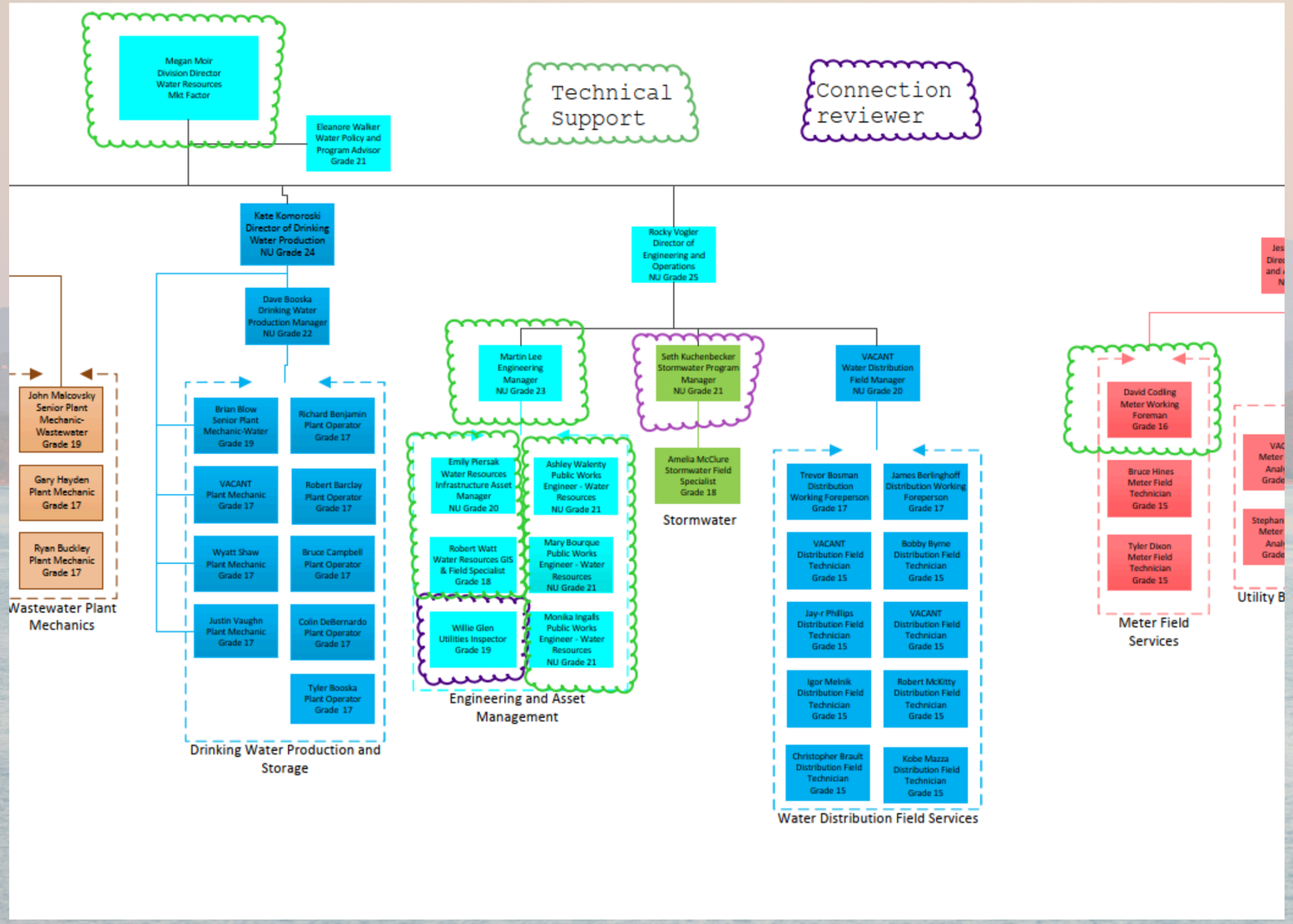


Watershed map: Each area of Burlington has different challenges and considerations, particularly the combined sewer service area

SIGNIFICANT TECHNICAL RESOURCES



COMPREHENSIVE TECHNICAL RESOURCES



Comprehensive Connection Review and On-going Compliance

- WTP and WWTP Capacity Tracking
- Drinking Water Supply Capacity
  - Domestic
  - Fire Flow
- Collection System Capacity
  - Gravity Sewer
  - Pump Station/Forcemains
  - Combined Sewer Capacity Challenges
- Stormwater Management
  - Erosion Prevention
  - Post Construction SW Management for Separate and Combined Sewer SW
- Water Meter Sizing and Selection
- Industrial WW Review
- Construction Inspections
- Post-Construction Compliance
  - pressure, bacteriological testing
  - stormwater systems

SUMMARY OF SUPPORT FOR S212

- The proposed manual will improve consistency in comprehensive capacity review throughout the State

- Reduces duplication of technical review
  - Projects currently have to get a State W/WW permit AND go through our extensive review of connections to our municipal sewer, water and stormwater system

- Smart, efficient and cost effective leveraging of existing strengths of State W/WW database
  - $100/general permit is reasonable and leaves room for local communities to charge reasonable connection review fees without significantly increasing existing permitting costs

CONSIDERATION OF DELEGATION OF PRETREATMENT PERMITTING TO LOCAL POTW

- **Pre-treatment** = federally established regulatory requirement to control, reduce and/or eliminate pollutants from non-domestic sources of wastewater (e.g. food/beverage production, metal finishing etc.)

- Variety of users that are supposed to be regulated:
  - All categorical industrial users (specific types like metal finishing)
  - All significant industrial users (larger users who discharge high strength waste or who have a reasonable potential (large vats of high strength liquid) to adversely impact a WWTP
  - Any other non-domestic user that discharges pollutants of concern to the WWTP or collection system
- Since a 2018 EPA Audit the State (and local POTWs) have been making steady progress towards compliance - but State program is still likely understaffed

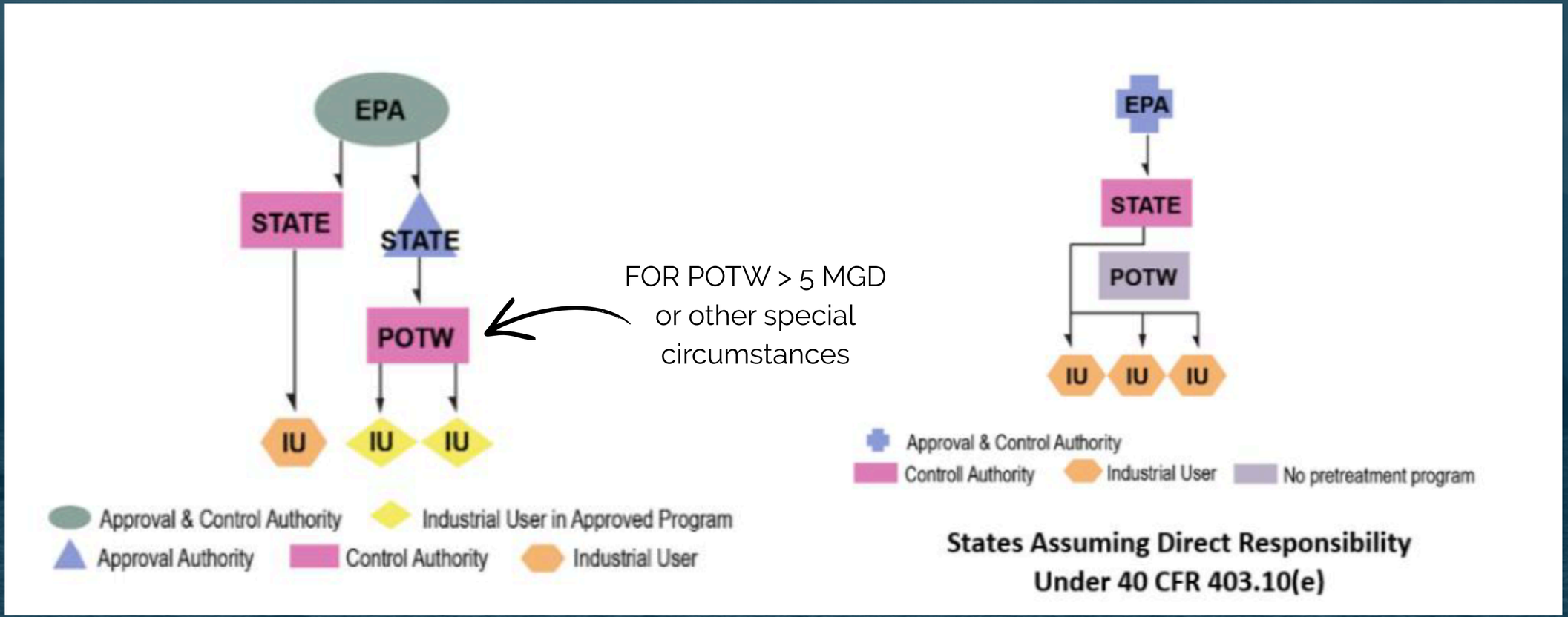
PROGRESS MADE BY BURLINGTON POTW

- Burlington's recent work
  - Industrial User (IUs) Survey
    - 1 potential categorical IUs
    - 9 potential Class I (larger user) significant IUs
    - ~8 potential Class II (medium user) IUs
    - ~17 potential Class III (small user) IUs
    - Many dentists (amalgam pollutant)

Will take significant effort to phase in permits

- Development of Local Limits

REGULATORY FRAMEWORK OPTIONS IN THE UNITED STATES



Most States

(Not currently authorized in VT due to existing 10 VSA § 1263)

Vermont, Alabama, Mississippi, Connecticut and Nebraska

BENEFITS OF AUTHORIZING **VOLUNTARY** DELEGATION OF PRE-TREATMENT TO LOCAL POTW

- Familiarity and proximity to users, collection system and wastewater treatment facility (compliance)

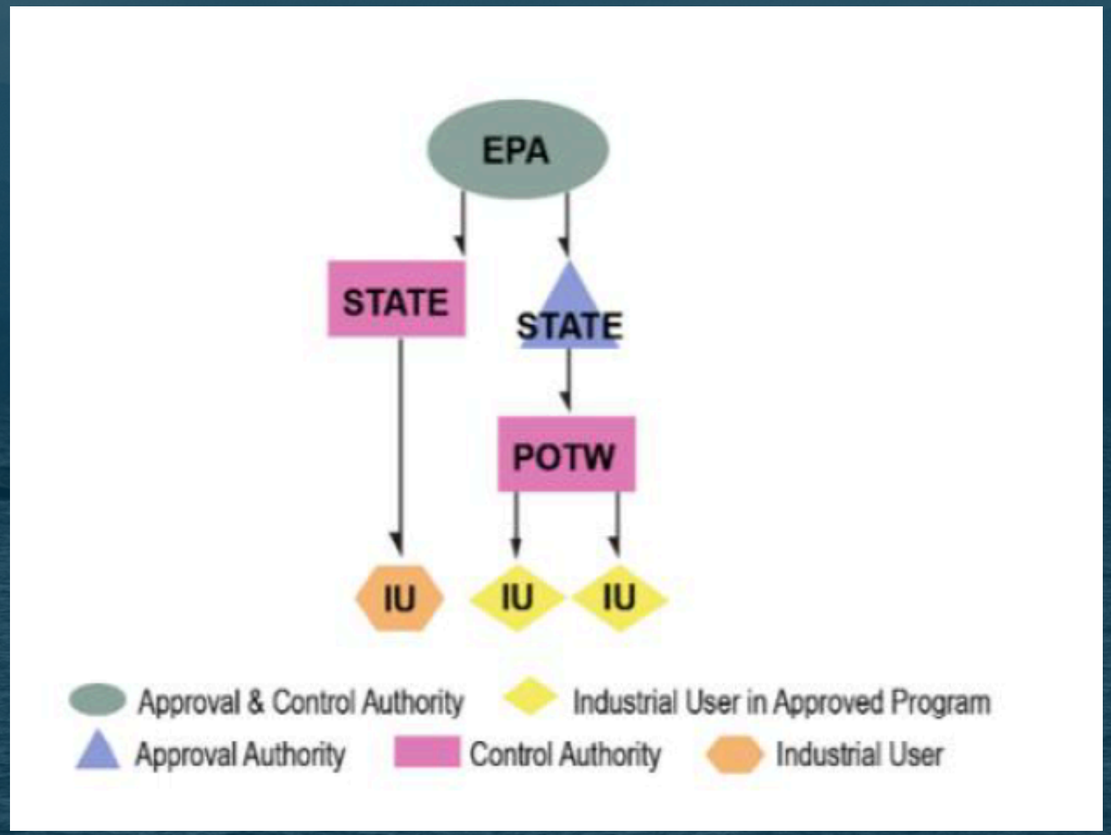
- Direct operational control and understanding of what is entering our facility

- While the delegation details and periodic audits will certainly use some VTDEC resources, the local POTW pre-treatment approach:
  - will result in potentially faster implementation of permit coverage
  - won't add as significantly to the VTDEC Pretreatment Program already over capacity workload

- The Local POTW can charge reasonable permitting fees to support the additional and on-going local capacity without duplicating effort and expense for industrial users (who will face some expense in meeting regulations)

VOLUNTARY DELEGATION OF PRE-TREATMENT TO LOCAL POTW

- The proposed updates to 10 VSA § 1263 are intended to enable this framework to be an option:



DRAFT STATUTORY REMEDY FOR **VOLUNTARY** DELEGATION OF PRE-TREATMENT TO LOCAL POTW

10 V.S.A. § 1263 Discharge permits
Strike (a) and replace with a new (a) and (b) and then renumber the existing (b) and subsequent sections –

(a) Any person who intends to discharge waste into the waters of the State or who intends to discharge into an injection well or is required to apply for a CAFO permit shall make application to the Secretary for a discharge permit. Application shall be made on a form prescribed by the Secretary. An applicant shall pay an application fee in accordance with 3 V.S.A. § 2822.

(b) Any person or who intends to discharge into any publicly owned treatment works any waste that interferes with, passes through without treatment, or is otherwise incompatible with that works or would have a substantial adverse effect on that works or on water quality shall make application to the Secretary for a discharge permit. Application shall be made on a form prescribed by the Secretary. An applicant shall pay an application fee in accordance with 3 V.S.A. § 2822.

(1) The Secretary may enter an agreement with the public owner of the treatment works to perform any or all of the Secretary's duties under this subsection (b) with respect to the treatment works.

(2) The public owner shall have the same authority as the Secretary under this section, including
(i) setting its own application and other fees by ordinance or resolution in connection with assumed duties; and
(ii) notwithstanding any provision of any charter or other statute applicable to the public owner, and as may be necessary or convenient, establishing civil, criminal, and administrative penalties and other remedies for failure to obtain any required discharge permit, or for any violation of any such permit, consistent with part 403 of title 40 of the Code of Federal Regulations and other applicable laws, as the same may be amended, renumbered, or superseded from time to time.

THANK YOU!

QUESTIONS?

Megan Moir
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Megan Moir, Division Director of Burlington Water Resources.

Follow up Testimony on S212 to House Environment Committee- April 2, 2026

Talking points

- Thank you for this opportunity. I have over 20 years of experience in the Water Resources world, with my first 11 years focused on stormwater and combined sewer wet weather experience, and the last 10 years in the "One Water" world as the head of Burlington's Drinking Water, Wastewater and Stormwater Utilities.
- I'm here to outline Burlington's support for the concepts outlined in S212.
    - As a participant in DEC's working group that was looking for efficiencies that could be gained during the water/wastewater project review process –closely aligns with some of the outcomes of those discussions.
    - In particular provides a mechanism to leverage our strengths – local technical review, including not just of the available treatment capacity at the plants, but also collection and distribution system capacity which is FAR more challenging to evaluate.
        - Appreciate that it is voluntary because not all communities have the resources we have invested to support our large and sometimes complicated system.

Background

Burlington Water Resources – oversees drinking water, wastewater, stormwater for the City. We have approximately 10,000 existing connections. It often is misunderstood – but I think it is important context - all of our funding comes from ratepayers, not from the City's general fund which is supported by property taxes.

BWRD oversees 3 WWTPs plants and drinking water plant, but also the system of wastewater pipes and pump stations (25) that convey the wastewater to the WWTPs and the system of drinking water pipes, storage reservoirs and elevated tanks that distribute water from the drinking water plant to customers.

We maintain both collection system model and drinking water hydraulic models that we use to evaluate the impacts of projects not just on the water/wastewater plants but more importantly, on the local collection and distribution systems.

- We have a team of technical staff – see org chart – with at least one position wholly focused on connection review and another that manages stormwater review, supported by a team of 4 engineers as necessary, as well as other staff that are involved at various points throughout the project trajectory.
- Providing as much of 90% of the project review – potentially duplicatively with the State process.
- Have been interested in "taking over" the process – but concerned about the administrative record keeping burden as the W/WW permit database is a good database and don't want to duplicate.
- Believe that S 212 allows for communities such as ours to demonstrate our technical capacity and take over the technical aspects of the review – providing overall better customer service to our local projects while providing the best protection possible for our systems – which we know well as the boots on the ground.

- It is to our benefit and the benefit of public health, fire protection and receiving water quality that these project be closely reviewed and that we be able to maintain or expand our capacity for review – In my time here, we have seen a lot of non-standard things in the real world and are committed every day to making sure standards are improved and followed and inspections done in order to ensure our system is improved over time.
- We do not currently charge for our technical review – in part because we know projects are already facing permit fees at the State level and don't want to further disincentivize growth. We understand and support the $100 general permit application fee that would be charged to municipal connection review projects. This will allow for us to leverage the administrative legacy of the W/WW permit database that we all know, love and frequently use and ensure continuity and standardization.
    - We would expect and encourage that as part of this submission- this would allow for the State to continue to provide some oversight to ensure that we and other participating communities are still providing high-level technical review.
    - In the same vein, keeping the State fee low enough would yield a little room for Burlington to implement recovery of our review costs through a local connection permit fee to ensure existing rate payers are not subsidizing development. Any fee structure could also include incentivizes for certain types of development such as affordable housing or childcare facilities if the policy makers at the City chose.
- Vermont is small but faces big challenges, including how to unlock housing growth while maintaining its commitment to the environment.

<u>Overview of Proposed Amendment to S212: Amendment to 1263 Related to Voluntary Delegation of Pre-Treatment Requirements to Local POTWs to House Environment Committee- April 2, 2026</u>

Currently, the State Department of Environmental Conservation (VTDEC) has the sole authority to administer federal pretreatment requirements. In other states, the authority is delegated to local Publicly Owned Treatment Works (POTW). Given our size and our increasing focus on rigorous review of wastewater connections, it is in the best interest of our POTW and water quality for the City to pursue a local pretreatment program - given our familiarity with the users, the collection system and the day-to-day operations of our wastewater treatment plants. Securing delegated authority would be the most efficient framework so that users are not experiencing the potential for duplicative permitting, compliance oversight and fees that might otherwise be the result of a State and local dually implemented program. The City has worked cooperatively with VTDEC and our City Attorney to draft this proposal which allows for voluntary delegation of pretreatment authority to a local POTW.

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