

November 2, 2015

Ms. Julia Butzler
VT Department of Environmental Conservation
1 National Life Drive, Main 2
Montpelier, VT 05620

Re: Conservation Law Foundation Comments on the 2015 Draft Combined Sewer Overflow Control Policy

Dear Ms. Butzler:

The Conservation Law Foundation (CLF) appreciates the opportunity to submit to the VT Department of Environmental Conservation these comments on the *2015 draft Combined Sewer Overflow Control Policy* (2015 Policy).

Vermont first adopted a combined sewer overflow (CSO) policy in 1990. The policy was crafted to reconcile the state's regulatory framework with its better understanding of the adverse impacts of CSOs. Since the 1990 policy went into effect, 103 CSOs have been eliminated with 69 remaining. The purpose of revising the 1990 policy is to "further enhance and support the control and elimination of CSOs in Vermont and to ensure compliance with the requirements of the [federal Clean Water Act] and state law, including the Vermont Water Quality Standards."¹

CLF commends the 2015 Policy for its inclusion of new monitoring and reporting requirements, including the mandatory establishment of CSO flow monitoring systems, maintaining continuous precipitation records at five minute intervals, and providing notice to the public and Agency within 4 hours of a CSO occurrence. Monitoring is particularly important as it is unknown how much sewage is actually being delivered to Vermont's water bodies during CSO events. Given this dearth of information, it is harmful to frame CSO events as discharging "minimal" sewage that is "completely diluted." The potential health and environmental implications of CSO events should not be minimized.

Further, the 2015 Policy does not sufficiently emphasize the elimination of CSOs. The focus on green over grey infrastructure undercuts the goal of the federal Clean Water Act – "that the

¹ VT Department of Environmental Conservation. 2015. *Draft Combined Sewer Overflow Control Policy*. pg. 1.



discharge of pollutants into the navigable waters be eliminated.”² Green infrastructure, while an important component of stormwater management, needs to be developed in conjunction with pipe separation to support the designated uses of Vermont waters and meet the water quality standards.³

While the Agency should not abandon the target of full CSO elimination, there are promising new approaches to stormwater management that the Agency should consider. Smart stormwater systems monitor forecasts and enable adaptive control of existing infrastructure to proactively respond to bad weather and prevent CSO events.⁴ These systems utilize what’s in the ground already to offer a financially sensible technology to transition to CSO elimination.

CLF appreciates the expense associated with separating combined stormwater and sanitary sewer lines. However, the burden of costs is insufficient to ignore the mandate to protect surface waters to assure public health and prevent, abate, and control all activities harmful to water quality.⁵

Thank you for the opportunity to submit these comments. CLF looks forward to continuing to work together on stormwater management policies.

Sincerely,

A handwritten signature in black ink, appearing to read 'Rebeka', with a stylized flourish at the end.

Rebekah Weber
Lake Champlain Lakekeeper
Conservation Law Foundation

² 33 U.S.C. § 1251(a)(1)

³ Vermont Water Quality Standards, Environmental Protection Rule Chapter 29(a) p.26-32.

⁴ Opti offers an example of a company that installs these smart stormwater systems to monitor weather and adjust the system to accommodate higher loads.

⁵ 10 V.S.A. § 1250