

STATE OF VERMONT
AGENCY OF NATURAL RESOURCES
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

COMBINED SEWER OVERFLOW CONTROL POLICY

June, 1990

VT COMBINED SEWER OVERFLOW CONTROL POLICY

I. PURPOSE

This policy is being adopted in recognition of the fact that combined sewer overflows are discharges which have been shown to adversely affect the quality of Vermont waters and which constitute a statewide water quality problem requiring a statewide corrective strategy. This policy also recognizes that untreated combined sewer overflows do not comply with the requirements of the Federal Clean Water Act. As the Agency delegated by the United States Environmental Protection Agency to administer the Clean Water Act in Vermont, the Vermont Agency of Natural Resources is adopting this policy to insure that all combined sewer overflows will meet the requirements of the Federal Act.

The purpose of this policy is to insure that all combined sewer overflows are identified and issued compliance schedules which lead to compliance with the Vermont Water Quality Standards and the Federal Clean Water Act. Further, it is the purpose of this policy to better define the applicability and interrelationship of State water quality based and minimum federal technology based limitations. Finally, it is the intent of this policy to describe the funding mechanism for this strategy, which mechanism incorporates a procedure for prioritizing correction of CSO's and therefore, in large part, describes the time frame for correcting the CSO problem in Vermont.

II. APPLICABILITY

This policy applies to discharges from combined sewer overflows which are generated as a result of wet weather flows. Wet weather flows include, in addition to normal sanitary and industrial flows; stormwater flows (including snowmelt), and stormwater induced groundwater infiltration.

This policy does not include:

1. Any overflows within the sewer collection system during dry weather flows or;
2. Any upsets or bypasses either within the collection systems or wastewater treatment facility either during dry weather or wet weather conditions which are due primarily to factors not related to wet weather flows. Such overflows, upsets or bypasses are subject to the enforcement provision of 10 V.S.A. § 1274-1275 and 10 V.S.A. Chapter 201 unless the permittee applies for and obtains an Emergency Pollution Permit pursuant to 10 V.S.A. § 1268.

This policy applies to all municipalities and all other entities who own and operate sewage collection and/or treatment facilities and which have known or potential combined sewer overflows within their facilities regardless of whether that entity holds a discharge permit.

III. CURRENT STATUS

Attachment I identifies those Vermont communities which are known, or suspected to have, CSO discharges. This is a comprehensive listing and the Agency expects that after preliminary engineering studies are completed a small number of communities may be found not to have active CSO discharges and may be dropped from the list.

Attachment II lists the individual CSO discharges for each community. Attachment II reflects the Agency's best estimate based on currently available information. The Agency expects that as additional information becomes available (preliminary engineering studies) the list of known CSO discharges will change and in some cases change significantly.

The Agency has attempted to characterize the compliance status of all CSO discharges on Attachment II. The Agency has concluded that the great majority of CSO discharges are currently not in compliance with Vermont's Water Quality Standards or the federally mandated technology based standards.

Information currently available indicates CSO discharges typically contain concentrations of fecal coliform bacteria two to five orders of magnitude in excess of the previous instream fecal coliform criteria and are therefore likely to exceed the new adopted Escherichia Coli criteria within the vicinity of the CSO discharge

With respect to technology based standards, the specific requirements of those standards have only recently been established by the United States Environmental Protection Agency and are being incorporated into this policy for the first time. As such, they are not currently included as conditions in NPDES Permits and it is therefore expected that communities have not implemented the provisions of these standards.

IV. IMPLEMENTATION

During the permit application and reapplication process, all municipalities will be requested to identify all overflows within their sewage collection and treatment system regardless of whether the overflows are activated by wet weather flows. Based on the information provided by the applicant and other information available to it, the Agency will determine if the overflows are combined sewer overflows subject to this policy.

All discharge permits issued to municipalities with combined sewer overflows will contain conditions requiring compliance with Vermont Water Quality Standards and federal minimum technology based limitations. For those municipalities with CSO's not in compliance with these requirements, a compliance schedule will be issued in conjunction with the permit. The compliance schedule will reflect the shortest reasonable time for

correction of the CSO which is consistent with the State funding priorities. Projected schedules for each community, based on current funding, are outlined in Attachment III.

CSO compliance schedules will be issued concurrently with discharge permit renewals, in order of the permit expiration date. Schedules will be contained in orders issued pursuant to 10 V.S.A. § 1272. Draft orders will be sent to the permittee for review and comment in conjunction with the draft discharge permit.

In many cases, an accurate estimate of the necessary CSO correction work may not be known. In those cases, the compliance schedule will require a preliminary engineering report and contain a reopener clause which allows the Agency to modify or complete the CSO correction schedule once the true extent of the correction work is known. The Agency's goal is to issue enforceable schedules for all municipalities with noncomplying CSO's by October 1, 1992.

The Agency will use the information provided by the preliminary engineering studies to update the list of CSO discharges and their compliance status as provided in Attachment II.

The policy recognizes that as additional information becomes available to the Agency regarding the actual water quality impacts of individual CSO's and their associated construction costs, the Agency's funding priority may be amended to reflect this additional information. Subsequently, amendments to the Agency's funding priority list will be reflected in amendments to existing CSO compliance schedules.

V. MINIMUM TECHNOLOGY BASED LIMITATIONS

The Federal Clean Water Act requires that all CSO's meet minimum technology based limits (BCT/BAT) which limitations are based on the best professional judgment of the administering Agency. As the delegated administrative Agency, the Vermont Agency of Natural Resources is establishing the following as the minimum technology based limitations which meet the requirements of the Clean Water Act.

1. Based on the information available to it, the Agency will adopt elimination of the CSO as the corrective measure of choice where a technical and economic comparison between elimination and other CSO corrective measures is substantially equal; with the exception that;

2. If the CSO discharges to Class B waters, the Agency will require the elimination of the CSO unless a comparison of the technical and economic factors between elimination and other corrective measures indicate that elimination of the CSO would be clearly unreasonable and the permittee has petitioned for and the Vermont Water Resources Board has granted the petition to reclassify the waters in question from Class B to Class C.
3. In those instances where the Agency has approved a continuing CSO discharge as part of the CSO corrective plan the following minimum technology based requirements will apply.
 - a. All CSO discharges will be required to employ a primary level of treatment for control of solids and floatable materials and/or best management practices which result in equivalent treatment.
 - b. The following best management practices must be implemented for all CSO discharges;
 - i. proper operation and regular maintenance programs for sewage collection systems and combined sewer overflow points,
 - ii. maximum use of the collection system for storage without endangering public health, or property or causing solids deposition problems,
 - iii. maximization of flows to the wastewater treatment facility for treatment consistent with a cost effective evaluation of alternate treatment options.

In designing treatment systems to meet these minimum technology based limitations the Agency recognizes the need to address rainfall-related effluent quality conditions.

Minimum design flows for all minimum technology based limitations are those flows generated by a 24 hour, 2.5 inch rainfall with the exceptions noted under section 5, Water Quality Based Limitations.

VI. WATER QUALITY BASED LIMITATIONS

In those instances where the permittee has proposed a continuing CSO discharge, the Agency will determine if the CSO discharge, after application of minimum technology based controls, complies with the Vermont Water Quality Standards. Disinfection will be required for all CSO discharges in order to meet the Escherichia Coli criteria in the Water Quality Standards. If chlorine is the disinfectant of choice the Agency will evaluate on a case by case basis whether additional treatment is necessary to mitigate any toxic impacts on fish or aquatic biota.

For other water quality criteria (re. dissolved oxygen, turbidity, nutrients, settleable solids, etc.) the Agency may require additional effluent and in stream monitoring in order to determine compliance with the water quality standards. It will normally be the responsibility of the permittee to conduct the monitoring program. All such monitoring programs must be submitted to, and approved by, the Agency prior to commencement of the program. If the Agency determines that application of technology based controls will not result in compliance with the Vermont Water Quality Standards, the Agency will direct the municipality to design and construct additional controls in order to meet those standards. In making this determination the Agency will consider in stream rainfall related background conditions (as defined by the Vermont Water Quality Standards).

All water quality based treatment controls must be designed to meet all applicable water quality criteria at flows that are equal to or less than those generated by a 24 hour, 2.5 inch rainfall. On a case by case basis the Agency may require the utilization of a larger design rainfall event (for either technology based or water quality based treatment systems) if in the judgment of the Agency the use of the 24 hour, 2.5 inch rainfall is not adequate to protect existing uses as defined by the Vermont Water Quality Standards.

VII. FUNDING/PRIORITIES

Act 219 of the 1988 session of the Vermont General Assembly provided for 25% state grants and interest free loans in the amount of 50% of the total project costs to municipalities undertaking combined sewer overflow correction. Loan funds are to be drawn from the Vermont-Environmental Protection Agency revolving fund authorized under 24 V.S.A. Chapter 120 and the Federal Clean Water Act. Vermont statute states that priority for award of financial assistance for CSO correction will be given to projects which abate pollution and projects discharging into or near lakes and that priority not be given to support growth. The Municipal Pollution Control Priority System (Attachment IV) is the project priority system used to rank all municipal pollution abatement projects for purposes of awarding financial assistance. The criteria used to prioritize pollution abatement projects, including CSO's, are defined in Section 5.0 of those Rules. That priority system implements the statutory directive cited above. Attachment V ranks the municipal CSO projects based on the priority system total points.

Project priority lists are prepared annually through a process of public participation. The list is usually amended at least once during the year to reflect any changing circumstances in the ability of projects to proceed to construction.

Recommended for Approval:

Reginald A. LaRosa *Acting Comm*
For Timothy J. Burke, Commissioner
Department of Environmental Conservation

Date: 7/23/90

Signed: *Jonathan Lash*
Jonathan Lash, Secretary
Agency of Natural Resources

Date: July 25, 1990

ATTACHMENT I

<u>MUNICIPALITY</u>	<u>CSO DISCHARGES PERMITTED</u>	<u>COMPLIANCE SCHEDULE ISSUED</u>	<u>COMMENTS</u>
Barton VT0100641	Yes	No	Preliminary Engineering Study in progress
Brandon VT0100056	Yes	Yes	Preliminary Engineering Study nearing completion
Burlington Main VT0100153	Yes	Yes	Facilities Plan completed, CSO project partially completed
Burlington North VT0100226	Yes	Yes	Facilities Plan completed, CSO project completed, CSO eliminated
Enosburg Falls VT0100102	Yes	Yes	
Hardwick VT0100137	Yes	Yes	Preliminary Engineering Study in progress
Hartford White River Junction VT0101010	Yes	Yes	Preliminary Engineering Study in progress
Ludlow VT0100145	Yes	No	
Lunenburg VT0101061	Yes	Yes	CSO project completed, CSO discharge eliminated
Lyndon VT0100595	Yes	No	
Montpelier VT0100196	Yes	No	
Middlebury VT0100188	Yes	No	
Newport City VT0100200	Yes	Yes	Preliminary Engineering Study completed, Final Design in progress
Northfield VT0100242	Yes	Yes	
Poultney * VT0100269	Yes	Yes	Preliminary Engineering Study in progress

CSO DISCHARGES

<u>MUNICIPALITY</u>	<u>CSO DISCHARGES PERMITTED</u>	<u>COMPLIANCE SCHEDULE ISSUED</u>	<u>COMMENTS</u>
Randolph VT0100285	Yes	No	
Richford VT0100790	Yes	No	
Rutland City VT0100871	Partial	Yes	Preliminary Engineering Study completed
St Albans* VT0100323	Yes	No	
St Johnsbury VT0100579	Yes	Yes	Present secondary upgrade project will eliminate some CSOs, Preliminary Engineering Study will proceed to evaluate remaining CSOs.
Springfield VT0100374	Yes	Yes	Preliminary Engineering Study nearing completion
Swanton VT0100501	Yes	Yes	Preliminary Engineering Study to be completed Fall of 1990
Wilmington VT0100706	Yes	Yes	CSO project completed, CSOs eliminated
Windsor, Main VT0100919	Yes	Yes	Sewer separation project completed. Additional studies needed to confirm elimination of CSOs
Winooski VT0100510	Yes	No	
Woodstock, Main * VT0100757	Yes	Yes	

* CSO discharges suspected but not yet confirmed.

CSO DISCHARGE IDENTIFICATION

The following list constitutes the Agency of Natural Resources' best estimate based on current information. Specific information on each CSO and the number of CSOs in each municipality is expected to change as new information becomes available.

<u>PERMITTEE</u>	<u>NPDES NUMBER</u>	<u>RECEIVING WATER</u>	<u>DESCRIPTION</u>	<u>COMPLIANCE STATUS</u>	
				<u>WATER QUALITY SIDS</u>	<u>TECHNICAL BASED STDS</u>
Barton	VT0100641	Barton River	Main Street Pump Station	NC	NC
		Barton River	Lower Water Street	NC	NC
		Barton River	Upper Water Street	NC	NC
		Barton River	Main Street	NC	NC
		Barton River	Route 5	NC	NC
		Barton River	Glover Street	NC	NC
Brandon	VT0100056	Barton River	Ballfield	NC	NC
		Neshobe River	Furnace Street, Manhole 17B	NC	NC
		Neshobe River	River Street, Manhole 25B	NC	NC
		Wetland, Trib. to Otter Creek	Champlain Street, Pump Station, Manhole 63	NC	NC
Burlington Main	VT0100153	Lake Champlain	College Street	NC	NC
		Lake Champlain	Maple and Pine Street	NC	NC
		Lake Champlain	*South End	C	C
		Wetland, Trib. to Winooski River	*Manhattan Drive/Park Street	C	C
		Wetland, Trib. to Winooski River	*Manhattan Drive/Champlain Street	C	C
(* CSO elimination project completed - will sample to confirm elimination)					
Burlington North	VT0100226	Winooski River	*Gazo Avenue/Ethan Allen Parkway	C	C
(* CSO eliminated - will sample to confirm elimination)					
Enosburg Falls	VT0100102	Missisquoi River	Route 108 Bridge	NC	NC

COMPLIANCE STATUS
WATER TECHNICAL
QUALITY BASED
STDS STDS

PERMITTEE	NPDES NUMBER	RECEIVING WATER	DESCRIPTION	WATER QUALITY STDS	TECHNICAL BASED STDS
Hardwick	VT0100137	-Lamoille River -Lamoille River	Wolcott Street near Cottage St. Buffalo Street Pump Station	NC NC	NC NC
Hartford White River Jct.	VT0101010	-Connecticut River -Connecticut River -Connecticut River -White River -Connecticut River	Passumpsic Avenue Pump Station Wilder Pump Station-Depot St. 415 feet South of Nutt Lane Bridge St. Manhole Near New England Culvert Co.	NC NC NC NC NC	NC NC NC NC NC
Ludlow	VT0100145	-Black River	Ludlow WWTF overflow (influent)	NC	NC
Lunenburg (* CSO Eliminated)	VT0101061	-Connecticut River	*Jefferson/Ceder St, Manhole 13	C	C
Lyndon	VT0100595	-Passumpsic River -Passumpsic River -Passumpsic River -Passumpsic River	20 ft North of Lyndon Center PS 100 ft North of Lyndnville Graded 500 yds North of WWTF 1000 yds North of WWTF	NC NC NC NC	NC NC NC NC
Montpelier	VT0100196	-Winooski River -Winooski River -Winooski River -Winooski River -Winooski River -North Branch River -North Branch River -North Branch River -North Branch River -North Branch River	Main Street Bailey Avenue Near VT Dept of Employment Sec. Granite Street Near Barre and Hubbard Streets Near R.R. Bridge 100 ft North of Discharge 006 Near Baird Street Jay and Main Streets Near Peck Place Spring and Elm Streets	NC NC NC NC NC NC NC NC NC NC	NC NC NC NC NC NC NC NC NC NC

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COMPLIANCE STATUS
WATER TECHNICAL
QUALITY BASED
STDS STDS

<u>PERMITTEE</u>	<u>NPDES NUMBER</u>	<u>RECEIVING WATER</u>	<u>DESCRIPTION</u>	<u>WATER QUALITY STDS</u>	<u>TECHNICAL BASED STDS</u>		
Middlebury	VT0100198	Otter Creek	Ejector St 9, Weybridge Rd.	NC	NC		
		Otter Creek	Route 23, Murdock/Shannon	NC	NC		
		Otter Creek	Route 23, Shannon Rd.	NC	NC		
		Otter Creek	Frog Hollow Rd	NC	NC		
		Otter Creek	Frog Hollow Rd & Park St	NC	NC		
		Otter Creek	West of Cross & South of Pleasant	NC	NC		
		Otter Creek	Ejector St 8, Near Seymour St.	NC	NC		
		Otter Creek	Ejector St 10, Grn Mtn Pass	NC	NC		
		Unnamed Trib.	Adjacent to Pump St #1	NC	NC		
		Newport City	VT0100200	Clyde River	MH A, Spring St.	NC	NC
				Clyde River	MH 7, Clyde Street	NC	NC
				Clyde River	MH 13, Clyde Street & Hill St	NC	NC
				Clyde River	MH 16, Clyde Street	NC	NC
				Clyde River	MH 18	NC	NC
Memphremagog	MH 24, Clyde Street & Herrick St			NC	NC		
Memphremagog	MH 25, Clyde St & W. Main St.			NC	NC		
Memphremagog	MH 35A, Lane Avenue			NC	NC		
Memphremagog	MH 35, Lake Avenue			NC	NC		
Memphremagog	MH 57A, Glen Road			NC	NC		
South Bay	MH 72, Near Coventry St in RR Yard			NC	NC		
South Bay	MH 73, Coventry Rd			NC	NC		
South Bay	MH 77, Coventry Rd & Second St			NC	NC		
Memphremagog	MH 49, Bay View Street			NC	NC		
Memphremagog	MH 44, W Main Street & Middle St			NC	NC		
Memphremagog	Pump Station 3 on Bay St			NC	NC		
Memphremagog	MH 38, Bay Street			NC	NC		
Memphremagog	MH 38A, Bay Street			NC	NC		
Memphremagog	Pump Station 5, Bluff Road	NC	NC				
Memphremagog	MH 24, Near PS 6 near Union St	NC	NC				
Northfield	VT0100242	Dog River	Rte 12 on Plant Access Road	NC	NC		
		Dog River	East Street	NC	NC		

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COMPLIANCE STATUS
 WATER TECHNICAL
 QUALITY BASED
 SIDS SIDS

PERMITTEE	NPDES NUMBER	RECEIVING WATER	DESCRIPTION	WATER QUALITY SIDS	TECHNICAL BASED SIDS	COMPLIANCE STATUS
Poultney	VT0100269	Correction work done on four previous overflow points - Study currently underway to confirm elimination.				UNKNOWN
Randolph	VT0100285	Ayers Brook 3rd Branch of White River	Rte 66 Pump Station Overflow Structure at Headworks	NC NC	NC NC	NC NC
Richford	VT0100790	Missisquoi River	Pump Station 2	NC		NC
Rutland City	VT0100871	East Creek East Creek Otter Creek East Creek East Creek Moon Brook	Meadow St/School St Ball Field Otter Creek CSO West St Siphon Chamber State Street * Renaldo Drive	NC NC NC NC NC NC	NC NC NC NC NC NC	NC NC NC NC NC NC
St Albans	VT0100323	Stevens Brook Stevens Brook Stevens Brook Stevens Brook Stevens Brook Stevens Brook	*Lower Newton Street *Aldis Street *Pearl Street *Lasalle Street *Lake Street *Lower Welden Street	UNKNOWN UNKNOWN UNKNOWN UNKNOWN UNKNOWN UNKNOWN	UNKNOWN UNKNOWN UNKNOWN UNKNOWN UNKNOWN UNKNOWN	UNKNOWN UNKNOWN UNKNOWN UNKNOWN UNKNOWN UNKNOWN

(* May not discharge)

(* May not discharge)

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COMPLIANCE STATUS
 WATER TECHNICAL
 QUALITY BASED
 STDS STDS

PERMITTEE	NPDES NUMBER	RECEIVING WATER	DESCRIPTION	WATER QUALITY STDS	TECHNICAL BASED STDS		
St Johnsbury	VT0100579	Sleepers River	Fairbanks Village	NC	NC		
		Sleepers River	Fairbanks Village	NC	NC		
		Sleepers River	Mt Vernon Street	NC	NC		
		Sleepers River	Western Avenue, West of Vernon St	NC	NC		
		Passumpsic River	Bay St at Lawrence Sand & Gravel	NC	NC		
		Passumpsic River	Bay St at CVPS	NC	NC		
		Passumpsic River	Bay St at CVPS	NC	NC		
		Passumpsic River	Bay St at Rapid Rubbish Removal	NC	NC		
		Passumpsic River	River Road at Portland St Bridge	NC	NC		
		Passumpsic River	St Mary's St	NC	NC		
		Moose River	Elm Street	NC	NC		
		Passumpsic River	Concord Avenue	NC	NC		
		Passumpsic River	Concord Avenue	NC	NC		
		Passumpsic River	Railroad Avenue at Concord Avenue	NC	NC		
		Passumpsic River	Oak Street	NC	NC		
		Passumpsic River	Railroad Avenue	NC	NC		
		Passumpsic River	Passumpsic St, Jct. of Termont St	NC	NC		
		Springfield	VT0100374	Black River	PS 1 on Clinton Street	NC	NC
				Black River	MH 10, near Clinton St	NC	NC
Black River	MH 16, Bridge St			NC	NC		
Black River	MH 18, Bridge St			NC	NC		
Black River	Bridge Street			NC	NC		
Black River	Bridge Street			NC	NC		
Black River	West of Bridge Street			NC	NC		
Black River	MH 29A, Near Wall St.			NC	NC		
Black River	MH 46, near Main Street			NC	NC		
Black River	MH 56, on Mineral St			NC	NC		
Black River	Park Street Bridge			NC	NC		
Black River	River Street			NC	NC		
Black River	Pump Station 2			NC	NC		

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COMPLIANCE STATUS
WATER TECHNICAL
QUALITY BASED
STDS STDS

PERMITTEE	NPDES NUMBER	RECEIVING WATER	DESCRIPTION	STDS	STDS
Springfield (continued)	VT0100374	Black River	Eaton/River Streets	NC	NC
		Black River	Near Pump Station #2	NC	NC
		Black River	Lewis Street	NC	NC
		Black River	Pearl Street	NC	NC
		Black River	North Side near Route 11 Bridge	NC	NC
		Black River	South Side near Route 11 Bridge	NC	NC
		Valley St. Brook	Pleasant Valley Street	NC	NC
		Black River	PS at Jack/Jill River Crossing	NC	NC
		Black River	Midway Pump Station	NC	NC
		Black River	Black River	Black River	NC
Swanton	VT0100501	Missisquoi River	Outlet 1 near Siphon St	NC	NC
		Missisquoi River	MH 28 near Bosworth Street	NC	NC
		Missisquoi River	MH on Winter Street	NC	NC
		Missisquoi River	Outlet 2 near Depot Street	NC	NC
		Missisquoi River	MH 11 near Depot Street	NC	NC
		Missisquoi River	MH 20A on Webster Terrace	NC	NC
		Deerfield River	* West Main Street	C	C
		Deerfield River	* North Main Street	C	C
		Mill Brook	*MH 1 near WWT Access Road	UNKNOWN	UNKNOWN
		Mill Brook	*MH 2 on Bridge St, No of RR tracks	UNKNOWN	UNKNOWN
Connecticut River	*MH 3 on Bridge St, So of RR tracks	UNKNOWN	UNKNOWN		
Connecticut River	*MH South of Jarvis St	UNKNOWN	UNKNOWN		
Connecticut River	*MH 5 on River St	UNKNOWN	UNKNOWN		
Connecticut River	*MH 6 between River St & Depot St	UNKNOWN	UNKNOWN		
Connecticut River	*MH 7 near Depot St & RR Station	UNKNOWN	UNKNOWN		
Trib. to CT River	*MH 8 near Coolidge St	UNKNOWN	UNKNOWN		
Mill Brook	*NE of Union & Fitch Streets	UNKNOWN	UNKNOWN		

(* CSO correction work completed on above referenced overflows. Additional study needed to confirm elimination.)

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COMPLIANCE STATUS
WATER QUALITY TECHNICAL
STDS. BASED
STDS.

<u>PERMITTEE</u>	<u>NPDES NUMBER</u>	<u>RECEIVING WATER</u>	<u>DESCRIPTION</u>	<u>WATER QUALITY STDS.</u>	<u>TECHNICAL BASED STDS.</u>
Winooski	VT0100510	Winooski River Winooski River	MH S-7 on West Canal Street MH S-16 on Main Street	NC NC	NC NC
Woodstock	VT0100757	* Ottauquechee * Ottauquechee	300 ft upstream of WMTF Mh off Pleasant St (Benson Place)	UNKNOWN UNKNOWN	UNKNOWN UNKNOWN

(* Not activated during 1989 Preliminary Engineering Study)

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ATTACHMENT III

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CSO Project Schedules

by Fiscal Years in Which Project Would be Funded

	<u>Step I (Preliminary Eng. Study)</u>	<u>Step II (Final Design)</u>	<u>Step III (Construction)</u>
Barton	Underway	91	91
Bennington	Underway	Construction may not be needed, CSO's not yet confirmed	
Brandon	Underway	91	93
Burlington (Main and North)	Done	Underway	90/91
Enosburg Falls	92	93	94
Hardwick	Underway	92	93
Hartford	Underway	91	91
Ludlow	92	93	94
Lunenburg	—	—	Done
Lyndon	91	91	92
Middlebury	92	93	94
Montpelier	92	93	94
Newport	Done	Underway	91/92
Northfield	92	93	94
Poultney	Underway	93	94
Randolph	91	92	92
Richford	92	93	94
Rutland City	Underway	90	92
St. Albans	91	91	92
St. Johnsbury	91	93	93
Springfield	Underway	93	94
Swanton	90	91	93
White River Jct.	90	91	93
Wilmington	—	—	Done
Windsor	—	—	Done
Winooski	92	Construction may not be needed, CSO's not yet confirmed	

These schedules based on latest priority list; construction will be completed the following Fiscal Year.

Attachment IV
Effective November 1, 1988

AGENCY OF NATURAL RESOURCES
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

10-1630 MUNICIPAL POLLUTION CONTROL PRIORITY SYSTEM

Section 1.0 PURPOSE

This priority system establishes procedures to determine which Publicly Owned Treatment Works (POTW) projects will be awarded grant or loan funds from allotments made available to the Agency of Natural Resources from federal or state funds.

Section 2.0 INTRODUCTION

This priority system is comprised of 1) priority list management procedures, and 2) project rating criteria. Priority list management procedures define the steps to be taken to develop and revise the priority list annually. These steps are described below.

Section 3.0 ANNUAL PRIORITY LIST DEVELOPMENT

Each year, prior to the beginning of the state fiscal year, the Department will prepare a project priority list. This document will list all projects potentially fundable from grant programs or the revolving loan program over the next five (5) year period. In addition, this list will separately identify those projects expected to be funded in the upcoming fiscal year.

The following concepts will be utilized in the list preparation:

- A. All steps of a project will be identified separately in the list, including Step I and Step II phases.
- B. Sufficient projects will be scheduled to be funded in the upcoming fiscal year to use all of the anticipated state and federal funds in the grants program and the revolving loan program.
- C. Projects will be listed in priority order in groupings which reflect the funding authorizations to be used. For example CSO projects would be grouped separately since all would be funded pursuant to 10 V.S.A. section 1624a, while construction of new or upgraded sewage treatment plants undertaken for purposes of meeting water quality standards during dry weather flow would be grouped separately and funded pursuant to 10 V.S.A. section 1625.
- D. Projects will be scheduled to receive funds on the first year (fundable) portion of the list, either from grants or loan funds, based on their priority point rating. The projects placed on the fundable portion of the list will remain on the fundable list until the 1st day of January following the beginning of the state fiscal year for which the list is adopted. The priority list will be amended annually following January 1st to remove projects

on the fundable portion of the list which have not submitted an approvable grant/loan application. Those projects may be shifted to the following fiscal year and replaced by the next highest priority rating project which has submitted an approvable Step III funding application, together with all requisite attachments and approvals.

- E. The Step I and Step II projects necessary to support the selected Step III projects will be scheduled, as appropriate, in earlier fiscal years.
- F. The list will contain all information required by state and federal statute or regulation.

The Department will seek public comment on the proposed project list by a) direct mailing to municipalities, organizations and interested individuals and, b) conducting a formal public hearing. The notice of the hearing will be State-wide, published in at least two (2) newspapers having general circulation in the state, and indicate the location(s) where copies of this priority system and the priority list may be viewed by interested persons prior to this hearing. The notice will be published at least 30 days in advance of the public hearing. As a minimum, the system and draft list will be available at the Department of Environmental Conservation's main office. In addition, a copy of this priority system and the draft listed will be sent to each municipality with a proposed publicly owned treatment works (POTW) project. The notice will solicit comment from any interested person at any time until seven (7) days following the end of the public hearing.

The Department will respond to any comments received through the close of the comment period and, where appropriate, make changes in the proposed list. A summary of public comments and Department responses will be sent to all municipalities and interested persons originally receiving notice of the hearing, and to any other interested persons. The Department will officially adopt the priority list at this time and any necessary documents or information will be sent to EPA.

Section 4.0 ANNUAL PRIORITY LIST AMENDMENT AND REVISION

- A. The Department may periodically evaluate the project priority list to determine if amendments are necessary to add or delete projects from the fundable list in response to unanticipated project cost increases, project schedule delays, increased or decreased available funds or other factors. The Department may propose an amendment based upon this evaluation.
- B. Notice of proposed amendments to the priority list will be sent to all municipalities, organizations and person on the mailing list. This notice will clearly show the proposed changes to the list, along with the reasons for the proposed changes. All parties will be given a fourteen (14) day period from the time the notice is mailed to comment on the proposed changes. If two or more municipalities request a public hearing on the proposed change, the Department will warn and hold such a hearing. This hearing will be warned in the same manner as the original public hearing, except that the warning period will be for fourteen

(14) days. If no hearing is required the Department will consider all public comment received, revise the proposal if necessary, and adopt the amendment. A copy of the adopted amendment, along with a public responsiveness summary discussing the comments received, will be sent to all parties on the mailing list.

- C. The Department may make clerical corrections to the list, remove projects which have received funding, and add Step I or Step II projects to the fundable list to use excess funds without following the public notification procedures outlined in (B) above.

Section 5.0 PROJECT RATING SYSTEM

- A. The project rating system shall establish the point ratings for all projects on the State project priority list. The point rating system is intended to evaluate the proposed project's impact on surface water quality, public use of the waters of the State, potential significant public health hazards, and municipalities' needs for POTW improvements. The priority system established rating points for thirteen (13) different categories. These categories define the impacts on surface water quality and public health, and consider other areas as required by 24 VSA Chapter 120. The criteria used by the Department to assign priority points are discussed below.

Category I Grant Eligible Projects

All projects which qualify for State or Federal construction grants or loans shall receive one (1) priority point.

Category II Public Health Hazards

A project which in the department determination eliminates a significant public health hazard shall receive five (5) points. A significant public health hazard shall be identified by the following factors:

1. The health hazard shall be declared in writing by formal action of the local health officer or the State Department of Health, and
2. The health hazard shall originate from industrial or domestic waste, and
3. The health hazard declaration must require that interim corrective measures be taken to minimize the hazard until the project is completed. Interim corrective measures might consist of, but are not limited to, pumping and hauling of sewage to remote disposal, fencing to restrict public access to school playgrounds, recreational areas and commercial areas, restriction of use or boil water orders on public/private water supplies drawn from surface waters downstream of the sewage discharge, and closing of public swimming beaches or areas

Category IIIA Water Quality Limited Discharges
Dissolved Oxygen Consuming
Pollutants

A project which eliminates a substandard discharge or a CSO discharge to a segment of water designated as a water quality limited segment pursuant to Section 303(d)(1)(A) of the Clean Water Act, and where such designation is based upon the sensitivity of the receiving water to dissolved oxygen consuming pollutants, or where the Department has determined that phosphorus removal is required to preserve water quality, shall receive six (6) points.

Category IIIB Water Quality Limited Discharges
Existing Violations or Phosphorus

A project which will eliminate a substandard or CSO discharge to a water quality limited segment as defined by Section 303(d)(1)(A) of the Clean Water Act, and where current discharges to those water are determined by the Department to cause present violation of dissolved oxygen water quality standards at 7Q10 flow, or where the Department has determined that phosphorus must be removed from those discharges to preserve water quality, shall receive three (3) priority points.

Category IVA Combined Sewer Overflows Lakes and Ponds

A project which will eliminate combined sewer overflows by treatment or separation of sanitary sewers where such overflows discharge directly to or just upstream of a lake or pond shall receive six (6) priority points.

Category IVB Combined Sewer Overflows - Streams

A project which will eliminate or treat existing combined sewer overflows, to rivers or streams, shall receive four (4) points.

Category VA Raw Sewage Discharges - Treatment Plants

Projects which will eliminate existing raw sewage discharges to surface waters of the state through the construction of new sewage treatment plants shall receive seven (7) points.

Category VB Raw Sewage Discharges - Treatment Plants

Sewer extension projects which eliminate raw sewage discharges will receive three (3) points, if at least 20% of the existing units to be served are confirmed by the Department to be defined points of pollution reaching the surface waters of the state.

Category VI Primary Treated Discharges

Projects which will eliminate an existing primary treated discharge to surface waters of the State, or which provide improvement that the Department has determined are necessary to allow that plant to meet its effluent limits shall receive six (6) points.

Category VII Health and Welfare

1. Projects which eliminate pollution to defined swimming areas shall receive two (2) priority points.
2. Projects which restore a water use not available because of existing pollution shall receive the following points:
 - a. Restore fishing - one (1) point
 - b. Restore other use approved by the Department - one (1) point
3. Projects which abate existing failing septic systems that do not cause direct pollution of state waters shall receive two (2) points.

Category VIII Population Affected

A project shall receive priority points equal to the Log (Base 10) of the population of the municipality sponsoring the project. For regional projects the total population in the participating municipalities will be used.

Category IX Cost of Comparable Credit

Projects will receive priority points equal to the total project cost divided by the population and expressed as a percentage of the median household income.

Category X Benefit - Cost Ratio

Projects will be granted priority points in this category equal to the sum of the project's priority points from Categories II thru VII, divided by the estimated total cost of the proposed project (In hundreds of thousands of dollars).

- B. Computations of Rating - A project may receive points in each category of categories I through IVB but may only receive points in one category from categories VA through VI. Projects which upgrade existing treatment plants to a state or federally required higher level of treatment will not receive Category VA or VB points for the simultaneous abatement of scattered individual pollution sources. A project at an existing treatment plant, which the Department determines is necessary to allow that plant to meet its effluent limits, will receive points in Category VI. Examples of such projects would be the addition of necessary sludge storage, treatment or disposal facilities either at the sewage treatment plant or centralized at a regional sludge management facility, or the addition of necessary dechlorination equipment. CSO projects may qualify for category IIIA and B points.

The project priority rating is the total of the points from each applicable category. The point total establishes the overall priority of the project. All components of a regional project shall receive the same number of points as the highest rated

component of the regional project. Each year, prior to the publication of the proposed list, the rating for each project will be re-evaluated to assure the points assigned to each project are still valid. Necessary priority point adjustments will be made at this time. All steps and segments of a project will have the same priority rating.

C. Projects with equal priority points ratings will, from time to time, be ready to receive project funding within the same fiscal year, and a determination must be made as to which project shall be funded from limited available funds. Those determinations shall be made in the following manner:

1. Projects which have been credited with health hazard points shall be funded first.
2. Projects which are a remaining component of a regional project shall be funded second where the first component of the regional project has initiated construction. Where decisions are necessary to determine which portion of ready to proceed, segmented or regional projects will be funded first, the Department will fund the treatment plant portion of these projects ahead of the sewer line construction. Where choices must be made between sewer construction portions of such projects, the Department will fund the first project which has submitted an approvable grant application.
3. Projects which discharge to lakes or ponds will be funded third.
4. Projects remaining after the above determinations have been made shall be funded based upon the first to submit an approvable grant or loan application with all requisite attachments and approvals.

D. Funds available in the State Pollution Control Revolving Loan Funds will be first used to finance priority projects which are ready to proceed to construction or which are ready to initiate engineering studies. If unused monies are available in these funds after all projects which are anticipated to be ready to proceed in the current fiscal year have been placed on the priority list, the Department will use these funds for purposes enumerated in 24 VSA 4757.

Section 6.0 DEFINITIONS

- A. "Approvable Grant or Loan Application" shall mean a Federal and State grant or loan application including all requisite certifications, attachments, assurances, permits, plans and specifications approved by the Department, and evidence of a valid local bond vote authorizing adequate local funds for the project.
- B. "Substandard Discharge" shall mean any discharge of pollutants which do not meet State or Federal statutory discharge limits or which have been determined by the Department to result in violations of instream water quality standards.

- C. "Regional Projects" shall mean those projects where more than one municipality have agreed to jointly treat sewage, sludge, or septage from at least a portion of their respective municipalities. The project must serve a substantial portion of the any municipality where only sewers are to be constructed and the interconnection must be an identified alternative to construction an additional treatment facility. All components of the regional project must be projects eligible for State water pollution abatement funds. Before the Department can accept projects as a regional system, and acceptable intermunicipal agreement must be signed by the municipalities involved, or the project applicant must be multimunicipal Fire District, Consolidate Sewer District, or Solid Waste District created under authority of Vermont Statutes.
- D. "Ready to Proceed" shall mean the submission, to the Department, of an approvable grant or loan application.
- E. "Primary Treatment" shall mean any treatment system in use by a municipality which does not achieve an effluent quality consistent with the Federal EPA definition of secondary treatment found in 40 CFR 133.105.
- F. "POTW or Publicly Owned Treatment Works" shall mean all sewage collecting systems, pump stations and other approved methods of sewage conveyance, all treatment works including storage and disposal systems, and all sludge handling and disposal systems, which are owned by a legally constituted municipality in the State of Vermont.
- G. "State or Federal Grant or Loan Funds" shall mean all funds appropriated by the Vermont Legislature to be used by the Department under the Pollution Control Grant program under 10 VSA Chapter 55, or the Water Pollution Control Revolving Loan Fund, 24 VSA Chapter 120; or from appropriations made by the Federal Government for pollution control grants or loans under the Clean Water Act.
- H. "MFI" shall mean the Median Family Income as defined by the United States Census Bureau for the municipality in question.

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ATTACHMENT V

3/90

A B C D E F G H I J K L M N O P Q R S T U V W X Y

POLLUTION CONTROL PRIORITY SYSTEM

PROJECT	PROJ TYPE	POP-ULATION	PROJ COST	TOTAL PROJ COST	MEDIAN HOUSEHOLD INCOME	TRIAL	ALL	IVA	IVB	VA	VB	VI	VII	VIII	IX	X	POP CREDIT B/C	TOTAL POINTS	NOTES	
6						(1)	(5)	(6)	(4)	(7)	(3)	(6)	(1-3)	(1-5)						
***** FUNDED UNDER 10 VSA SECTION 1624a *****																				
9	BURLINGTON CSO	CSO	37712	47660000	13048	1	6	6	4	2	4.58	9.69	.04	33.30			4.58	9.69	33.30	LAKE CSO
10	ST ALBANS CSO	CSO	7308	32000000	11911	1	6	6	4	2	3.86	3.68	.56	27.10			3.86	3.68	27.10	LAKE CSO
11	NEWPORT CITY CSO	CSO	4756	47000000	12300	1	6	6	4	2	3.68	8.03	.26	24.97			3.68	8.03	24.97	LAKE CSO
12	WINOOSKI CSO	CSO	6318	12000000	12629	1	6	6	4		3.80	1.50	1.33	23.64			3.80	1.50	23.64	LAKE CSO
13	LYNDON CSO	CSO	1401	19000000	11913	1	6	6	4		3.15	11.38	.21	19.74			3.15	11.38	19.74	RIVER CSO
14	HARDWICK CSO	CSO	1476	14000000	9424	1	6	6	4		3.17	10.06	.29	18.52			3.17	10.06	18.52	RIVER CSO
15	RUTLAND CITY CSO	CSO	18436	62000000	13088	1	6	6	4		4.27	2.42	.16	17.85			4.27	2.42	17.85	RIVER CSO
16	BARRE CITY CSO	CSO	9824	27000000	11975	1	6	6	4		3.99	2.30	.37	17.66			3.99	2.30	17.66	RIVER CSO
17	BENNINGTON CSO	CSO	15915	36000000	13089	1	6	6	4		4.20	1.64	.28	17.12			4.20	1.64	17.12	RIVER CSO
18	LUNENBURG FDI	CSO	1138	10000000	12075	1	6	6	4		3.06	6.83	.40	15.28			3.06	6.83	15.28	RIVER CSO
19	RICHFORD	CSO	2221	14000000	11563	1	6	6	4		3.35	5.45	.29	14.08			3.35	5.45	14.08	RIVER CSO
20	BARTON CSO	CSO	2957	18000000	11736	1	6	6	4		3.47	5.19	.22	13.88			3.47	5.19	13.88	RIVER CSO
21	ENOSBURG FALLS CSO	CSO	2055	13000000	12174	1	6	6	4		3.31	5.20	.31	13.82			3.31	5.20	13.82	RIVER CSO
22	ST JOHNSBURY CSO	CSO	7902	49000000	13372	1	6	6	4		3.90	4.64	.08	13.62			3.90	4.64	13.62	RIVER CSO
23	SPRINGFIELD CSO	CSO	10190	63000000	16459	1	6	6	4		4.01	3.76	.06	12.83			4.01	3.76	12.83	RIVER CSO
24	LUDLOW	CSO	2414	13000000	13196	1	6	6	4		3.38	4.02	.31	12.71			3.38	4.02	12.71	RIVER CSO
25	RANDOLPH	CSO	4689	16000000	12224	1	6	6	4		3.67	2.79	.25	11.71			3.67	2.79	11.71	RIVER CSO
26	BRANDON CSO	CSO	4114	14000000	12548	1	6	6	4		3.61	2.71	.29	11.61			3.61	2.71	11.61	RIVER CSO
27	WOODSTOCK-HAIN	CSO	3188	12000000	14309	1	6	6	4		3.50	2.63	.33	11.47			3.50	2.63	11.47	RIVER CSO
28	MONTPELLIER CSO	CSO	8241	26000000	14886	1	6	6	4		3.92	2.18	.15	11.25			3.92	2.18	11.25	RIVER CSO
29	MIDDLEBURY	CSO	7569	22000000	15736	1	6	6	4		3.88	1.85	.18	10.91			3.88	1.85	10.91	RIVER CSO
30	NORTHFIELD	CSO	5435	15000000	14020	1	6	6	4		3.74	1.86	.27	10.86			3.74	1.86	10.86	RIVER CSO
31	POULTNEY CSO/EXT	CSO/EXT	3114	4200000	14135	1	6	6	4		3.49	.95	.95	10.40			3.49	.95	10.40	RIVER CSO
32	HARTFORD CSO	CSO	7963	13000000	15821	1	6	6	4		3.90	1.03	.31	10.24			3.90	1.03	10.24	RIVER CSO

