

**STATE OF VERMONT**  
**AGENCY OF NATURAL RESOURCES**  
**DEPARTMENT OF ENVIRONMENTAL CONSERVATION**  
1 NATIONAL LIFE DRIVE, MAIN 2  
MONTPELIER, VT 05620-3522

**1272 ORDER - Discharge Permit No. 3-1279**

**IN THE MATTER OF:**  
**City of St. Albans, Permit No. 3-1279**  
**PO Box 867**  
**St. Albans, VT 05478**

In accordance with the provisions of 10 V.S.A. § 1272 and the Combined Sewer Overflow Rule (Environmental Protection Rule, Chapter 34), the Secretary (Secretary) of the Vermont Agency of Natural Resources (Agency) makes the following findings of fact. The definitions in the Combined Sewer Overflow Rule shall apply to this Order.

**FINDINGS OF FACT**

- (1) The **City of St. Albans (St. Albans)** owns and operates the **City of St. Albans Wastewater Treatment Facility (WWTF)**, which collects and treats both sewage and stormwater.
- (2) The WWTF is authorized to discharge treated and disinfected wastewater into the **Stevens Brook wetlands contiguous with Lake Champlain** under the terms and conditions of Discharge Permit No. **3-1279**.
- (3) Discharge Permit No. **3-1279** identifies one remaining combined sewer overflow (CSO) outfall within the collection system - Lower Weldon Street CSO (44.80881, -73.09359). During certain storm events, the CSO outfall discharges untreated sewage to the **Stevens Brook**. Such discharges adversely affect the quality of waters of the State and create public health concerns.
- (4) The discharges from this CSO outfall violate 10 V.S.A. Chapter 47, the Vermont Water Quality Standards (VWQS), and Discharge Permit No. **3-1279**.
- (5) In the early 1980s, St. Albans separated portions of the sewage collection system to eliminate CSOs. On April 29, 1992, the Agency of Natural Resources issued 1272 Order No. 3-1279 to the Permittee requiring a report to the Secretary identifying all CSOs within the sewage collection system and to assess options for eliminating or treating these overflows. This report identified seven (7) CSO locations within the collection system and WWTF, prompting the Secretary to amend 1272 Order No. 3-1279 to require the Permittee to permanently seal six (6) CSOs by August 31, 1993.

In 2006, the Permittee discovered a cross connection between the sewer and stormwater collection systems, enabling sewage to be discharged into Stevens Brook in violation of 10 V.S.A § 1259, Discharge Permit No. 3-1279, and the VWQS.

On July 7, 2007, the Secretary issued 1272 Order No. 3-1279-A1 to the Permittee requiring the submission of a report to the Secretary identifying any remaining CSOs in their collection system. In response to this Order, the Permittee performed an inspection and mapping project of the sewage collection system and submitted a report (“CSO Report”) to the Secretary identifying one active CSO (Weldon Street) in their collection system, a violation of 10 V.S.A. § 1259, Discharge Permit No. 3-1279, and the VWQS.

From 2008 to 2010, the Secretary issued 1272 Orders 3-1279-A2 and A3, with requirements for investigations contributing factors to and evaluation of strategies aimed at eliminating the one remaining CSO, located at Weldon Street. Since it was confirmed that the discharge from the Weldon Street CSO was in violation of the “State of Vermont, Agency of Natural Resources, Combined Sewer Overflow Policy, June 1990” (CSO Policy), the Secretary required actions be taken to reduce or eliminate this discharge to achieve compliance with the CSO Policy.

On August 31, 2010, the Secretary issued 1272 Order 1279-A4 to the Permittee requiring elimination of roof drains discharging into the Weldon Street CSO.”

On April 30, 2012, the Secretary issued 1272 Order No. 3-1279-A5 to the Permittee. In response to this Order, the Permittee is conducting several projects designed to eliminate stormwater impacts on the Weldon Street CSO. Progress on CSO related projects, as of June 2017, is as follows:

- (A) The Downtown Streetscape project was completed in 2014 and included separated connections to the new stormwater systems for approximately 15 buildings, totaling 57,500 s.f. of building roof. The City has continued discussions with building owners to promote the disconnection of the roof drains, but this next phase of work is challenging as it involves interior plumbing modifications on private property in older commercial buildings.
- (B) The Lake Street streetscape improvements from Main Street to Federal Street were completed in 2016. This roadway construction included a new separate stormwater collection and conveyance system with a temporary outlet to the existing combined sewer system. There is not a suitable outfall location within a reasonable distance where gravity flow can be maintained for the separated pipeline. As the “Federal Street Connector” project proceeds, this new separated stormwater pipeline will continue to be extended for discharge as a stormwater outfall.
- (C) Design and permitting on the Federal Street Connector project continues. A portion of Lake Street, in the vicinity of the Federal and Market Street intersections, will be reconstructed in 2017. This project includes utility

upgrades and extension of the separate stormwater system on Lake Street with future provisions for separation at Stebbins and Catherine Streets.

- (D) Reconstruction of Fairfield Street was completed in 2017. This project included installation of 1,800' feet of new storm drain piping with new manholes and catch basins to remove 10 catch basins and three large drainage areas totaling 16.5 acres from the combined sewer. These new storm drains interconnect and outlet to the separated stormwater systems on Lincoln Avenue and Barlow Streets. Provisions were also provided at Brown Avenue for additional separation. Estimated flows removed from the sewer system for this project are 673,000 gallons for a 3.5" 24-hour storm event.
- (E) The design of the drainage improvements for the Murray Drive, Huntington Street, Russell Street, and Edward Street project has been completed to address flooding issues, and the City continues to pursue funding sources. This project will also have the benefit of removing several catch basins from the combined sewer system. The contributing drainage area is estimated at 484,000 sf of which 121,000 sf is impervious. Preliminary estimates indicate that up to 300,000 gallons could be removed for the 2.5" 24-hour design storm.

### **ORDER**

Based on the foregoing findings of fact, the Secretary issues the following Order, under 10 V.S.A. § 1272 and the Combined Sewer Overflow Rule (Environmental Protection Rule, Chapter 34), to ensure all remaining CSOs in **St. Albans** are brought into compliance with the applicable requirements of state and federal law, including the VWQS.

(I) **Minimum Controls.** The municipality shall implement the minimum technology-based requirements below, known as the "Minimum Controls," which are designed to maximize pollutant capture and minimize impacts to water quality:

- (1) Proper operation and regular maintenance programs for collection systems and CSO outfalls;
- (2) Maximum use of the collection system for storage without endangering public health or property, or causing solids deposition problems;
- (3) Review and modification of pretreatment requirements to assure that CSO impacts are minimized;
- (4) Maximization of flow to the treatment plant for treatment consistent with an evaluation of alternative treatment options;
- (5) Prohibition of CSOs during dry weather;
- (6) Control of solid and floatable materials in CSOs;
- (7) Establishment of pollution prevention programs to minimize contaminants in CSOs;

(8) Public notification to ensure that the public receives adequate notification of CSOs and CSO impacts, which shall, at a minimum, comply with § 34-404 of the Combined Sewer Overflow Rule (Environmental Protection Rule, Chapter 34);

(9) Monitoring to effectively characterize CSO impacts and the efficacy of CSO controls, which shall include at a minimum:

(A) The municipality shall define through monitoring, modeling, and other means, as appropriate, the sewer system, the response of the system to a range of precipitation events that encompasses the 5-year design storm, the characteristics of the overflows, and the water quality impacts that result from CSOs. To comply with the foregoing requirement, the municipality shall, at a minimum:

(i) Establish and maintain a precipitation monitoring system. The system must provide unique precipitation amounts specific to individual CSO subcatchments. Such a system does not necessarily demand a precipitation recording device for each CSO outfall. Precipitation measurements shall be to the nearest 0.01 inches, continuous at a five-minute interval over the duration of a storm event, and indexed to time and date. If establishing a physical precipitation monitoring system, the municipality shall work to minimize impacts of wind and surrounding trees and buildings that may hinder the accuracy of precipitation recording devices. If a municipality proposes to use a system other than a physical precipitation monitoring system, the municipality shall get prior approval from the Secretary.

(ii) Establish a CSO flow monitoring system. At a minimum, the municipality shall install a tell-tale block in each overflow structure and check the block after every precipitation/runoff event.

(B) The municipality shall submit to the Secretary, by no later than January 31st of each year, a report on CSO control project(s) of the previous calendar year. The Secretary will use the information from the report to monitor the progress on implementation of CSO control project(s). The municipality shall report progress on:

- (i) Compliance with the Minimum Controls;
- (ii) The condition and operation of the CSS;
- (iii) The frequency, duration, and magnitude of the precipitation events leading to CSOs from the system in the past year and a comparison to prior years;
- (iv) The frequency, duration, and magnitude of all CSOs from the system in the past year and a comparison to prior years;
- (v) The overall status of the Long Term Control Plan (LTCP); and
- (vi) Key CSO control accomplishments, highlighting those that reduced the frequency and magnitude of CSOs; projects under design; and construction that occurred in the previous year.

(II) **Long Term Control Plan.** The municipality shall update its Long Term Control Plan (LTCP)<sup>1</sup> and submit it to the Secretary **within 18 months of the date of this Order.** In

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<sup>1</sup> If the municipality wishes to apply for funding from the State to assist in the creation or implementation of its LTCP, the municipality shall draft all reports, including associated planning documents, per the PER format.

developing a LTCP, the municipality shall employ a public participation process that actively involves the affected public in the decision-making to develop and select the long-term CSO controls. The affected public includes rate payers, industrial users of the sewer system, persons who reside downstream from the CSO outfalls, persons who use and enjoy the downstream waters, and any other interested persons. The LTCP shall, at a minimum, include:

(1) An alternatives analysis that shall evaluate the costs and performance of multiple CSO control alternatives, such as:

- installing a flow metering system for each CSO outfall;
- reducing stormwater flows through the separation of combined stormwater and sanitary sewer lines;
- adding storage tanks or retention basins to hold overflow during storm events;
- expanding the treatment plant capacity;
- adding screening and disinfection facilities for the overflow;
- incorporating green stormwater infrastructure to reduce stormwater flow into CSSs to the greatest extent feasible and practical; and
- providing for disinfection of CSOs at the outfall.

(2) A detailed list of the selected CSO control projects necessary to bring the CSOs into compliance with the VWQS and a timeline for implementing the projects. Projects shall be prioritized based on the relative importance of adverse impacts upon water quality, including impacts on designated and existing uses. The municipality shall give the highest priority to bringing overflows to “sensitive areas” into compliance with the VWQS. “Sensitive areas” means designated Outstanding Resource Waters, designated National Marine Sanctuaries, waters with threatened or endangered species and their habitat, waters where primary contact recreation occurs, public drinking water intakes or their designated protection areas, and shellfish beds.

(3) A strategy to ensure that new sources of stormwater and wastewater to the CSS do not increase the volume, frequency, or duration of CSO events through implementation of control measures, such as making reductions in existing sources of stormwater or wastewater to the CSS, creating or increasing storage capacity within the collection system, or other measures approved by the Secretary.

(4) Measures to address and prevent any documented, recurrent instances of sewage backups or discharges of raw sewage onto the ground surface.

(5) A financing plan to design and implement the CSO control projects identified pursuant to subsection (II)(2) of this Order.

(6) Green stormwater infrastructure for stormwater runoff and sewer overflow management to the greatest extent possible.

(7) A proposed schedule to bring the municipality’s CSOs into compliance with the

Vermont Water Quality Standards. The Agency recognizes CSO abatement and control is a costly process and anticipates plans will take an iterative approach to lessen the number and quantity of CSO events and improve their quality. As such, the schedule may include interim CSO controls as a step in the process of bringing CSOs into compliance with the VWQS. Interim CSO controls should be evaluated and designed based on storms with a theoretical 5-year recurrence interval (also known as the 5-year design storm). The 24-hour and 1-hour extreme precipitation depths at the 5-year recurrence interval for each CSO municipality are listed in Appendix A of the Combined Sewer Overflow Rule (Environmental Protection Rule, Chapter 34).

### (III) General Conditions.

(1) The plans and information required by this Order shall be submitted in electronic format to **Kathleen Parish, Environmental Analyst, Kathleen.Parish@vermont.gov email.**

(2) The Secretary reserves the right to amend this Order at any time as necessary to protect water quality and to comply with state and federal law.

(3) The State of Vermont and the Secretary reserve continuing jurisdiction to ensure future compliance with all statutes, rules, and regulations applicable to the facts and violations set forth above.

(4) Nothing in this Order shall be construed as having relieved, modified, or in any manner affected the municipality's on-going obligation to comply with all other federal, state, or local statutes nor does it relieve the municipality of the obligation to obtain all necessary federal, state, and local permits.

(5) This Order does not grant any exclusive rights or privileges, which would impair any rights possessed by riparian or littoral owners of the State of Vermont. It does not grant any right, title, or easement to or over any land, nor does it authorize any damage to private property or invasion of private rights or the violation of federal, state, or local laws or regulations.

(6) The Secretary, in issuing this Order, accepts no legal responsibility for any damage, direct or indirect of whatever nature and by whoever suffered, arising out of the activities described.

(7) This Order is not a resolution of any enforcement action that may be pending, contemplated, or initiated in this matter.

(8) The municipality shall allow access to Agency representatives, upon the presentation of proper credentials, to inspect the subject site and sample any discharge or receiving waters as necessary to assess compliance with this Order and applicable state laws related to water quality.

(9) Pursuant to 10 V.S.A. Chapter 220, any appeal of this Order must be filed with the clerk of the Environmental Division of the Superior Court within 30 days of the date of this Order. For further information, see the Vermont Rules for Environmental Court Proceedings,

available online at [www.vermontjudiciary.org](http://www.vermontjudiciary.org). The address of the Environmental Court is Vermont Superior Court, Environmental Division, 32 Cherry Street, 2<sup>nd</sup> Floor, Suite 303, Burlington, VT 05401 (Tel # (802) 951-1740). The filing of an appeal does not stay this Order. The Notice of Appeal must specify the parties taking the appeal and the statutory provisions under which each party claims party status; must state the act or decision appealed from; must name the Environmental Division; and must be signed by the appellant or their attorney. In addition, the appeal must give the address or location and description of the property, project, or facility which the appeal is concerned and the name of the applicant or any permit involved in the appeal. The appellant must also serve a copy of the Notice of Appeal in accordance with Rule 5(b)(4)(B) of the Vermont Rules for Environmental Court Proceedings.

(10) This Order shall be effective upon the date of signing and shall remain in effect until such time as the activities governed under this Order are completed or until such time as the Agency rescinds this Order or issues a subsequent Order, whichever occurs first.

Emily Boedecker, Commissioner  
Department of Environmental Conservation

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Peter LaFlamme, Director  
Watershed Management Division