



VLCT PRESS RELEASE

For Immediate Release

89 Main Street, Suite 4
Montpelier, Vermont
05602-2948

Tel.: 802-229-9111
Fax: 802-229-2211
Email: info@vlct.org
Web: www.vlct.org

Karen Horn
802-734-3576 (cell)

Contact: Karen Horn, Director, Public Policy and Advocacy

VLCT Files Amicus Brief on Wastewater Discharge Permit Appeal

Montpelier, November 23, 2009.

On November 19, 2009, the Vermont League of Cities and Towns filed an amicus brief before the Vermont Supreme Court in the appeal of an Environmental Court decision to deny a permit renewal for a wastewater discharge permit at the Montpelier Wastewater Treatment Facility. The facility discharges to the Winooski River, which drains to Lake Champlain. Like other municipalities, Montpelier is required to comply with the phosphorous target reductions in the adopted Total Maximum Daily Load for Lake Champlain, where the pollutant of most concern is phosphorus. Will Dodge and Jonathan Peress, attorneys for Downs Rachlin Martin PLLC, wrote the amicus for VLCT.

On September 30, 2009, the VLCT Board of Directors voted to file an amicus brief seeking to overturn Vermont Environmental Court Judge Tom Durkin's decision vacating the Montpelier wastewater treatment system permit renewal (Docket No. 22-2-08Vtec). At the same time, the Board voted to ask member municipalities whose wastewater treatment facilities would be affected by the decision to financially contribute to the filing.

Fifty one municipalities operate and maintain wastewater treatment facilities that are required to maintain National Pollution Discharge Elimination System permits, which must be renewed with the Agency of Natural Resources every five years. If the ruling is allowed to stand, the phosphorous reduction limitations in the TMDL will be a moving target, and municipalities will need to essentially revisit the TMDL every five years when renewing their permits. The cost of the time-consuming re-evaluative process will fall disproportionately upon cities and towns. Because the impact of the decision is so far-reaching, VLCT received contributions in support of the amicus brief filing from 33 towns and cities that host wastewater treatment facilities.

"This is an extraordinary show of support for the arguments presented in our brief," said Karen Horn, Director of VLCT's Public Policy and Advocacy. "The wastewater treatment facility permitting process needs to be predictable in terms of requirements and cost to municipalities. Agency efforts should be concentrated where they can realize the greatest result in phosphorus reductions – that is, on nonpoint sources," she said.

- End -

About VLCT: The Vermont League of Cities and Towns offers training, technical assistance and information to Vermont's local government officials. VLCT also maintains a daily presence at the Vermont State House during the legislative session and provides municipal risk prevention and sharing programs through the VLCT Health Trust, VLCT Property and Casualty Intermunicipal Fund (PACIF), and the VLCT Unemployment Insurance Trust. Each of Vermont's 246 cities and towns is a member of VLCT. In addition, more than 130 villages, and fire, regional planning, and solid waste districts are associate members.