

VERMONT ENVIRONMENTAL REPORT

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Number 33

AIR REGULATIONS VIOLATE CLEAN AIR ACT

The Vermont Natural Resources Council has criticized regulations being proposed by the U. S. Environmental Protection Agency as failing to meet the requirements of the 1970 Clean Air Act. In a statement sent to EPA, VNRC disputed the Agency's plan for preventing "significant deterioration" of air quality in clean air regions.

The EPA proposal published last month would allow states to designate their clean air regions under any one of three classifications: Class I areas would have little growth in existing pollution levels. In Class II regions, moderate increases in emissions would be permitted. In Class III areas, the existing air quality would be allowed to deteriorate down to national standards. VNRC points out that a state could designate all of its clean air regions as Class III, thus eliminating the restrictions of Classes I and II.

EPA has been under court order for nearly two and one-half years to promulgate guidelines to prevent "significant deterioration" of air quality in areas where pollution levels are less than national standards. Last year it proposed four alternative plans, all of which were called inadequate by conservation groups. The latest set of regulations represent an attempt by EPA to resolve the dispute.

One declared purpose of the 1970 Clean Air Act is to "protect and enhance" the nation's air quality. In a suit brought by the Sierra Club, a federal judge found that EPA had violated the intent of the Act when it permitted states to submit implementation plans allowing pollution levels of clean air to rise to the national secondary standards set under the Act. This decision was upheld on appeal to the Court of Appeals in the U. S. Supreme Court.

VNRC urged EPA to adopt a single federal guideline establishing how much additional pollution will be allowed in clean air regions like Vermont. This national guideline should be applied to all states without exception.

VNRC said that it is not urging adoption of a "no growth" policy. Some degradation in air quality may be necessary, the Council stated, to encourage new industries and jobs to move into economically depressed rural areas like northern Vermont.

VNRC does favor, however, the use of the best available control technology to keep new emissions to a minimum.

ELECTRICITY USE DROPS -- VELCO WAITS

Statistics furnished by the Public Service Board indicates that Vermont's consumption of electricity has declined during 1974. The first eight months of this year show a drop of 2.9% in electric use as compared with the same months in 1973.

In the past, consumption of electrical energy had increased at a rate of approximately 10% annually. This meant, in effect, that our electrical generating capacity had to double every eight years. The result was more power lines, more air pollution and as oil reserves were depleted, more strip-mining for coal.

The turn-around in past trends began with the Arab-Israeli October war. During the six-month period of the oil embargo from October 1973 to March 1974 (the peak season for electrical consumption in Vermont), a decline of 4.6% in total electrical use was experienced from a similar period the previous year.

It was recently reported that the directors of the Vermont Electric Power Company (VELCO) decided to postpone until next spring whether to build a new power plant in Georgia, Vermont. Plans for the facility have been in the works for a long time. However, the decline in electrical consumption has raised doubts about the necessity of the plant. VELCO directors have decided to wait another season to see if the trend established last year will continue.

Keep those thermostats down!

LETTER TO THE EDITOR

Dear Editor:

I have before me the September issue of the Vermont Environmental Report, and the article that is bothering me is on page two. It tells me that the Land Use Committee has decided that the major impetus for land planning and use decisions should be at the local level, within the general philosophy that 1) uncontrolled growth is not an acceptable option, and 2) that local action may need some restraint or broadening influence from the state.

When will the Land Use Committee face up to the economic realities of the situation? The proposals above will work out just beautifully after, the state adopts an effective "use value" instead of "market value" basis for land taxation. Why is it that Vermont, though there is much bragging about the advanced state of our development planning, is behind a number of states, some of which have had one form or another of use valuation for years?

It is particularly painful to note that New Jersey, from whence so many present day "Vermonters" come, and which we all love to denigrate as the epitome of all that's unattractive to Vermonters, first adopted use valuation in 1964!

Sincerely yours,
Karl Pfister
Londonderry, Vermont

SMOG FREE VERMONT?

Robert N. Buck, a retired international airline pilot and weather specialist, who lives in the Mad River Valley, home of three major ski areas, recently wrote a letter to the Editor of the local newspaper, The Valley Reporter, regarding potential air pollution problems in the Valley. Because the problems, Mr. Buck points out, apply to many Vermont towns, we are printing excerpts of his letter.

"There's an interesting similarity between the Mad River Valley and Los Angeles, California; Geneva, Switzerland and other cities surrounded by mountains. We all have the perfect set up in which, under certain weather conditions, a higher temperature aloft traps cold air in a valley. It's called an inversion. This entrapment is the ideal condition

for pollution, smog or whatever you want to call it. Most of us shrug it off and feel happy we live in smog free Vermont. But do we?

"During many years of flying over the world, I've observed innocent smog free places gradually turn from pleasant clear valleys to haze-gloppy, polluted holes. It happens as more people populate a valley without giving a thought to what they are doing. It happens as so-called light industry arrives, one small innocuous factory after another. Suddenly, flying over, you look down and realize that unthinking people and industry have done it again. Another valley has been lost to pollution.

"What do we do? Well, for a beginning, let's shut off our automobiles when we're not using them...trucks and busses too. People go into stores or the post office and leave their cars running. Trucks and busses never seem to shut their engines off and leaving a car, truck or bus running doesn't save any fuel on restart if it's going to run much over half a minute. There should be a law — no engines running when cars, trucks or busses are parked.

"It may seem a small thing, but as our population increases and tourists, especially in winter, add to the automobile numbers the exhaust mounts up. We can nip that right now by getting unselfish. Also, light industry should be regulated. We have a chance to do something now, before it's too late. Let's keep our engines down when parked, and let's make rules that will keep light industry under control. It not only can happen here, it has started."

SKI AREA WINS AWARD FOR TREATMENT FACILITY

Warren - Sugarbush Valley Corporation, a major Vermont ski area and Dubois & King, Civil Engineers of Randolph, received awards from the Vermont Section of the American Society of Civil Engineers for the Sugarbush wastewater treatment facility. The treatment facility was named the outstanding Vermont Civil Engineering Achievement of the year. The tertiary treatment plant, the only one of its kind in Vermont, combines biological, chemical, and physical units for off stream disposal and can handle a skiing population of up to 6,000 persons per day and a residential population of 3,000 plus restaurants, shops and base facilities.

VNRC ANNUAL MEETING SET

The 1974 annual meeting will be held on Saturday, December 7, 1974, at the Middlebury Inn, Middlebury, Vermont. The meeting will focus on the business of the VNRC — what has been done, how well it has been done and what should be done in the future. Luncheon will be served. The total cost of the meeting will be \$5.00 per person payable in advance. Coffee will be served during registration starting at 9:30 a.m. The meeting will be called to order at 10:00 a.m. and adjournment will be between 2:30 and 3:00 p.m. A panel discussion involving senior state administrative officials will follow lunch. Program details and information on board nominations and proposed bylaw amendments will be carried in the November issue of the VER. Please mark your calendar and make your reservation now on the coupon printed below. BRING A FRIEND — ACQUAINT HIM WITH THE VNRC.

NOMINATIONS FOR VNRC BOARD ANNOUNCED

The nominating committee has announced the following slate of at-large members for election at the 1974 annual meeting on December 7.

- Amory Bradford — Manchester Center
- William Cowles — Shelburne (incumbent)
- A. John Holden, Jr. — East Montpelier (incumbent)
- Marilyn Leimenstoll — Burlington
- Carl Reidel — Burlington (incumbent)
- Peter Smith — Belmont (incumbent)

Nominations from member organizations received to date include:

- Ann Baker — Lake Champlain Committee
- George D. Carlisle — Vermont Timberland Owner's Association
- David Goldberg — Vermont Tomorrow

More information on these nominees will be carried in the November issue of the VER as will data on other nominees if received by November 5. Nominations for the board of directors may be made by members and member organizations through November 22, 1974 by sending names and brief biographical summaries to Seward Weber, Secretary, VNRC, 26 State Street, Montpelier, Vermont, 05602.

SYMPOSIA ON ENVIRONMENTAL PROBLEMS

Marlboro College in conjunction with Vermont Tomorrow will begin in October a series of five free symposia on environmental problems in southern Vermont. The first symposium to be held October 21, at the college will be on alternate sources of energy for the regional and for individuals.

Others will cover land-use patterns and legislation, the suitability of nuclear power in New England transportation, highways and mass transit, food supply and population growth. The symposia was made possible through a \$2,620 matching grant to the school and Vermont Tomorrow from the Vermont Council on the Humanities.

WANTED — Information leading to the discovery of a used office typewriter (preferably IBM) for sale or as a contribution.

(Clip and mail)

VERMONT NATURAL RESOURCES COUNCIL
26 State Street
Montpelier, Vermont 05602

VNRC 1974 ANNUAL MEETING RESERVATION

- () I (we) will attend the annual meeting on December 7, 1974.
- () My check, payable to the VNRC, for _____ luncheons @ \$5.00 each is enclosed.

Tickets will be held for you at the reservation table. PLEASE SEND PAYMENT WITH THIS FORM AS LUNCHEON GUARANTEE MUST BE MADE.

Name: _____

Address: _____

_____ ZIP _____

Telephone: _____

"SINGLE LOT SUBDIVISION" LAW

A little known law with an important impact is Vermont's "single lot subdivision" law. It applies to all divisions of land which create one or more "improvable lots" (lots on which buildings needing sewage disposal systems can be built) of less than ten acres in size. Lots ten acres or larger are exempted.

Assuming that the law does apply, the owner must obtain a permit before he divides and sells his land. A permit is granted only where there appears to be an adequate source of water to service the lot and where sewage can be disposed of without endangering ground and surface waters.

The "single lot subdivision" law is administered by the Protection Division of the Agency of Environmental Protection. Applications should be made with the District Environmental Coordinator.

In order to gain a clearer understanding of when a permit is required, consider the following situations:

Situation 1: Smith owns a 25 acre parcel with no improvements. He wants to sell eight acres to Able and 17 acres to Baker.

A permit must be obtained before the sale of either lot. This is because the sale would create an "improvable lot" of less than ten acres.

Situation 2: Smith owns same 25 acre parcel. He wants to sell 11 acres to Able and 14 acres to Baker.

No permit is necessary under the single lot subdivision law. Both lots are improvable but over ten acres in size.

Situation 3: Smith owns same 25 acre parcel but with one house built. He wants to sell 11 acres to Able, 11 acres to Baker and keep the house with three acres.

No permit is required because the three acre parcel is not "improvable" (having already been improved). If the house were instead on one of the 11 acre lots, a permit would be necessary because in the case an improvable lot of less than ten acres is being created.

The purpose of the law is to insure that small lots have adequate water supply and sewage disposal capabilities before they are created. These capabilities may be applied by municipal services or by on-site systems.

The limitation of the law to lots less than ten acres is based on the assumption that smaller lots are more likely to have water and sewage problems. However, while lots of ten acres or larger are exempted, they may still be affected by Act 250 when developed later on. In all cases, local regulations should be checked for possible applicability.

Penalties for failing to obtain the "single lot subdivision" permit can be substantial. The Protection Division can assess a penalty of up to \$1,000.00, although it may be reduced if there are mitigating circumstances.

VERMONT NATURAL RESOURCES COUNCIL
26 STATE STREET
MONTPELIER, VT. 05602

IN THIS ISSUE — October, '74, No. 33
— Electrical Rates
— Smog Free Vermont?
— Single Lot Subdivision
** ANNUAL MEETING RESERVATION FORM **

Non-Profit Org.
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Address Correction
Requested

The questions posed to the candidates for national office were identical. The candidates for the U. S. House of Representatives are: Frank Cain (Democrat); James Jeffords (Republican); and Michael Parenti (Liberty Union). The candidates for U. S. Senate are: Patrick Leahy (Democrat); Richard Mallary (Republican); and Bernard Sanders (Liberty Union).

ENERGY: DO YOU FEEL THAT THE ATOMIC ENERGY COMMISSION (AEC) DOES AN ADEQUATE JOB OF REGULATING NUCLEAR POWER PLANT CONSTRUCTION AND OPERATION? IF NOT, HOW SHOULD REGULATION BE IMPROVED? DO YOU FAVOR A MORATORIUM ON FURTHER CONSTRUCTION OF NUCLEAR POWER PLANTS?

HOUSE CANDIDATES

Cain: "The Atomic Energy Commission has (not) done an adequate job.... I support federal legislation splitting the functions of the AEC into two separate agencies, and giving states more responsibilities in regulating nuclear energy.... I cannot support an absolute moratorium on nuclear generating plant construction.... I would vigorously oppose construction of a second atomic power plant in Vermont, although I do believe the state needs, and can support, one more fossil fuel plant."

Jeffords: "No, (the AEC has not done an adequate job). I favor Senator Aiken's bill to separate the regulatory functions from the promotional functions of the AEC. Yes, (I favor a moratorium) for Vermont.... It would be economically bad judgement to rely entirely upon nuclear power for Vermont. Further, I am still concerned about the problem of nuclear power per se."

Parenti: "Regulation cannot be adequately improved on nuclear power plants.... The history of nuclear power has been a history of tragic mishaps, a history of finding new dangers which the "experts" did not foresee. Now many prominent nuclear scientists are calling for the abandonment of atomic energy. I favor a moratorium on further construction of nuclear power plants and the closing of all present plants within a five year period."

SENATE CANDIDATES

Leahy: "...Regulation of all public utilities is primarily a state responsibility. Federal law should definitely be changed to allow the Vermont legislature to have the final say on construction of new nuclear plants in Vermont.... The AEC should be split up so that it would not be regulating the same technology it is charged with promoting."

Mallary: "I feel unhappy about the design and operational deficiencies of the Vernon plant. I am not convinced that these are the result of regulatory shortcomings. I have supported the creation of an Energy Research and Development Administration, which separates the regulatory and planning functions of the AEC. I am not convinced that a moratorium on the construction of nuclear power plants is necessary at this time."

Sanders: "No, (the AEC has not done an adequate job). We are all becoming aware of the degree to which the Federal Government lies to us. The AEC is certainly no exception. The monitoring of Vermont Yankee has to be done by the state government. Yes, (I will support a moratorium). The reasons of Nader are ample to convince me that the people behind nuclear power are primarily interested in making money and are not interested in long term implications of possible hazards of nuclear power."

(over)

THE NATIONAL LAND USE PLANNING ACT OF 1974 (H.R. 10294, THE UDALL BILL) WAS DEFEATED BY THE HOUSE OF REPRESENTATIVES THIS YEAR. OPPONENTS OF THE ACT FEARED FEDERAL ENCROACHMENT ON STATE AUTHORITY AND PRIVATE PROPERTY RIGHTS. SUPPORTERS ARGUED THAT THE ACT WOULD PROVIDE ASSISTANCE AND MATCHING FUNDS TO STATES, SUCH AS VERMONT, WHICH HAVE ESTABLISHED LAND USE PLANNING PROCESSES. WOULD YOU SUPPORT THIS NATIONAL LAND USE LEGISLATION?

HOUSE CANDIDATES

Cain: "I support legislation providing some federal assistance to those states wishing to enact land use plans. However, such land use planning must be done at the local and state level, and the use of federal funds should not be used as a club over the heads of states."

Jeffords: "I would support only national land use legislation which had no strings attached and which provided funds alone for specific purposes. I would be deeply afraid that any federal intervention in this area would tend to interfere with Vermont's present land use work."

Parenti: "Some kind of national land use regulation is needed. The Udall Bill requires further study. What is really needed is land reform in the USA. Land now is in the hands of big investors while the great bulk of the population remains landless. Land is still used for private exploitation and profit rather than public use...."

SENATE CANDIDATES

Leahy: "....Any attempt at land use planning must meet several criteria: The plan itself must be the product of negotiation between townspeople and the trained planners.... Townspeople and planners must make their goals clear to each other.... A one-sided approach won't work.... I could not support a federal land-use planning effort that goes beyond providing technical assistance and financial support. The recently-defeated federal land use bill did provide that type of assistance, and I would have given it my full support...."

Mallary: "I voted for consideration of the Udall Bill."

Sanderson: "In general I support such legislation. I am very concerned...that major proponents of so-called environmental legislation do not give a damn about working people or low income people, and that land use is made for the people who earn \$50,000 per year and can afford to own large amounts of acreage. We need a massive construction program for housing for working people."

This survey was made in order to acquaint members of VNRC and Vermont Tomorrow with the candidates' positions on several important environmental issues, and was not intended to support or oppose any candidate for public office.

RESULTS OF QUESTIONNAIRE TO CANDIDATES FOR STATEWIDE AND NATIONAL OFFICES

Last summer Vermont Natural Resources Council (VNRC) and Vermont Tomorrow sent a questionnaire to all Vermont candidates for Governor and Congress, asking their opinions on several environmental issues. Because of space limitations, some of the answers had to be edited, as indicated. However, care was taken to keep the statements made in their proper context. The questions posed to the candidates are in bold type. The first series of questions were directed at the candidates for Governor:

ENERGY: IN LIGHT OF RECURRING INCIDENTS AT THE VERMONT YANKEE NUCLEAR POWER PLANT, DO YOU FEEL THAT PUBLIC HEALTH AND SAFETY ARE ADEQUATELY PROTECTED AGAINST NUCLEAR HAZARDS? DO YOU FAVOR A CONSTRUCTION MORATORIUM ON ADDITIONAL NUCLEAR POWER PLANTS IN VERMONT?

Martha Abbott (Liberty Union): "Concrete evidence from many leading scientists convinces me that nuclear power is hazardous.... Vermont Yankee should be shut down immediately and we should find other sources of power.... Yes, (there should be a moratorium)."

Walter "Peanut" Kennedy (Republican): "Public health and safety are adequately protected at the Vernon Plant.... There has never been a serious nuclear accident in any of the nuclear plants.... I do not favor a moratorium."

Thomas Salmon (Democrat): "State and federally imposed safeguards relating to the operation of Vermont Yankee are adequate (although) there has been a legitimate dispute concerning the interpretation and enforcement of these safeguards.... A nuclear moratorium at this time would not be in the best interests of Vermonters."

TRANSPORTATION: DO YOU FAVOR MERGING THE HIGHWAY FUND WITH THE GENERAL FUND? DO YOU FAVOR FURTHER CONSTRUCTION OF FOUR-LANE HIGHWAYS IN VERMONT? IF SO, WHERE?

Abbott: "The two funds should be merged. The Highway Department should have to compete with all the other departments of state government for funding.... We have enough highways in Vermont. More highways will only result in a greater influx of people and faster development of our land and resources. But, first, jobs must be provided NOW for those people who have relied on highway construction to earn their living...."

Kennedy: "At one time I favored the merger. However, knowing the highway lobby as I do, I am concerned that there would be some severe raids on the General Fund by this powerful lobby.... I will oppose the merger.... I cannot see any pressing need for additional four-lane highways (except to complete) the Interstate in the northeast and...the section underway on Route 7 from the Massachusetts border north to Rutland."

Salmon: "The merger of the Highway and General funds (was) a focal point of my legislative message this year. I still support such a merger.... Highway programs ought to compete with all other publically supported activities.... I do not favor...additional four-lane highways beyond those necessary to complete the interstate and arterial program which has been endorsed by previous legislatures."

LAND USE: DO YOU BELIEVE THAT A STATE LAND USE PLAN CAN BE ADOPTED THAT WILL ADEQUATELY BALANCE LOCAL CONTROLS WITH THE PROTECTION OF STATE INTERESTS? SHOULD THE STATE REQUIRE TOWNS TO ADOPT TOWN PLANS, ZONING AND SUBDIVISION REGULATIONS?

Abbott: "...The only possible way to preserve Vermont's open and rural land, without making it even harder for Vermonters to own land for homes in their own state, is

to stop taxing the Vermont farmer out of existence, to allow the farmer to get a sufficient price on farm products, and to encourage diversification and expansion of agriculture as an industry.... The State should stop worrying about what the towns are doing and start implementing the changes I have enumerated (including raising all tax money with a progressive income tax)."

Kennedy: "In order to pass a state land use plan, it must have total local controls, and it must be administered from the local level to the extent that is possible. There must be guidelines to follow that are provided by the State.... The State should make it "interesting" for towns to adopt town plans and zoning, but until (a) clear majority of the towns and the State indicate they want (it), there should be no mandatory requirement."

Salmon: "...Act 250 itself provides a benchmark through its assertion that "transcending state interest" means a development of ten or more units or ten or more acres in a community with zoning and subdivision regulations. In communities without these restrictions, transcending state interest seems to require an Act 250 permit for all development other than single family residential.... No, (the State should not force towns to adopt town plans, zoning and subdivision regulations)."

GENERAL: WHAT ARE YOUR SPECIFIC SUGGESTIONS FOR DEALING WITH ECONOMIC DEVELOPMENT AND EMPLOYMENT NEEDS IN VERMONT WHILE MAINTAINING ENVIRONMENTAL QUALITY?

Abbott: "The State should make low interest loans available to Vermonters who want to start their own cooperative industry or business or to buy out existing industry.... I am confident that when Vermonters own their own industries, they will not allow their state to be polluted.... We must also provide an economic commitment to farming in Vermont to revive our dying agricultural economy which could provide jobs for many. We must move away from tourism as a job supplier."

Kennedy: "We in Vermont have some of the most stringent environmental laws in the nation. There is no need for an overkill.... I can see no need to repeal (Act 250). However, we cannot kill the goose that lays the golden egg -- businesses that employ people.... I would suggest that we first move to protect the industry presently operating in Vermont and hopefully encourage them to expand. Then we can move to attract non-polluting industry to our state to alleviate our employment problem."

Salmon: "Public investment strategies designed to generate growth to equalize employment opportunities around the state seem to offer the best opportunities to stimulate growth, stabilize our population in and around existing major centers and preserve our environment."

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