

# Vermont Environmental Report

PUBLISHED MONTHLY BY THE VERMONT NATURAL RESOURCES COUNCIL, A NON-PROFIT CITIZENS' CONSERVATION ORGANIZATION SUPPORTED BY MEMBERSHIP DUES AND CONTRIBUTIONS. VNRC, 26 STATE STREET, MONTPELIER-VERMONT, 05602. (802) 223-2328. CHAIRMAN: DAVID R. MARVIN; EXECUTIVE DIRECTOR: SEWARD WEBER; EDITOR: NAT FROTHINGHAM.

## Environmental Groups Ready to Ask for Key Legislative Measures in New Assembly

Public interest environmental groups will be an active lobbying force in the 1977 Session of the Vermont General Assembly that opens on Wednesday, January 5.

This year will be different in at least one key respect from previous sessions of the Assembly. For years, tax-deductible public interest environmental groups have been limited by IRS regulations from taking an active legislative role. Now all this has changed. With the passage of the federal Tax Reform Act of 1976, tax-deductible environmental groups are free to lobby.

This year, many more environmental groups will be active in the State House and these groups have unveiled a long list of environmental objectives.

The Lake Champlain Committee will be working to get passage of a bill to ban phosphates in household detergents. A bill that would have achieved this objective failed to pass by one vote in the Vermont Senate in the closing hours of last year's Assembly. Proponents of a "Phosphate Ban" argue that the passage of such legislation would reduce the degradation of Vermont's rivers, lakes, and streams. They further

argue that such legislation would lessen the need for sophisticated and therefore expensive sewage plant installations.

Vermont Tomorrow Legislative Action (VTLA) will work for legislation to promote community economic development, agricultural diversification, better energy planning and management, and an effective program of energy conservation.

The Vermont Public Interest Research Group (VPIRG) has outlined a long list of environmental objectives for the coming Session. Some of these are:

- A bill to ban phosphates in household detergents.
- A safe drinking water bill proposed by the Vermont Health Department.
- Energy conservation measures aimed at reductions in energy use in transportation and residential buildings.
- A transportation policy that emphasizes spot improvements, mass transportation, as



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## new assembly...

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opposed to Vermont's past commitment to four-lane highway construction.

- Nuclear measures that would prohibit utilities from passing on to consumers costs on any unscheduled shutdowns due to design defects and malfunction; a bill prohibiting the storage of radioactive wastes in Vermont; a bill to require a "Certificate of Public Good" before utilities can buy into out-of-state generating facilities.
- Reform of the Public Service Board; a bill to create Public Utility Districts; a bill to prohibit utilities from passing on to rate-payers the expense of promotional advertising; legislation to re-structure rates by offering lower rates to smaller users of electricity.

The Fair Tax and Equal Education Coalition will be offering detailed proposals on property tax reform for owners of farm, forest, and homestead land. In addition, the Coalition will outline measures to change the current system of state and local educational financing. The central feature of the Coalition's proposals for property tax reform is the suggestion that a "use assessment" of Vermont's farm, forest, and homestead lands be substituted for the current system of taxing land on the basis of "fair market value."

The Vermont Natural Resources Council is committed to working for the passage of a bill that would establish a "Register" of natural areas in Vermont. Such a Register would be a significant step toward the goal of protecting Vermont's fragile and irreplaceable natural areas through voluntary action. VNRC will also work for open space tax reform and may propose legislation to ensure sound timber harvest practices.

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### VNRC JOINS FAIR TAX AND EQUAL EDUCATION COALITION

The Vermont Natural Resources Council has announced its participation in the newly-formed Fair Tax and Equal Education Coalition.

The Fair Tax and Equal Education Coalition is the successor of the former Open Space Tax Coalition. In past sessions of the General Assembly, the Open Space Tax Coalition concentrated its attention on property tax reform for farm and forest lands. The new Coalition has a wider focus and a broader membership base. It will seek solutions not only to the property tax issue but also to the inter-related question of educational financing.

As far as property tax reform goes, this is what the Fair Tax & Equal Education Coalition wants from the 1977 General Assembly.

- (1) The Coalition wants an increase in the present limit of two acres that

can be used in calculating the tax relief for those homeowners and renters who qualify for the State's property tax rebate program. The Coalition wants up to 12 acres to be used in calculating tax relief under the rebate program.

- (2) The Coalition wants productive farm and forest land assessed and taxed at its **use** value, as a farm or forest, rather than at its potential higher value if it were sold for other uses.

- (3) The Coalition wants to introduce a new tax, called a "change-of-use" tax. This tax would reap some of the unearned profits from land sales when a piece of property changes from one use to another.

- (4) The Coalition wants to guarantee the right of land owners who qualify for this new use assessment to protect
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## **vnrc joins coalition**

their property. At the same time, the Coalition wants to guarantee non-land owners the right of reasonable access to less intensively-used portions of the land concerned. Snowmobiling would not be affected by the new legislation.

The Coalition emphasizes that these four legislative proposals would **NOT** reduce taxes paid on homestead, farm, or timber land **IF** such taxes are currently reasonable; the new legislation would simply guarantee that property taxes could be lowered where they are **UN**reasonable.

At the present time, the allied issue of educational financing is being studied by a Select Legislative Committee with the assistance of an Educational Finance Advisory Task Force. This Committee and the Task Force will report to the General Assembly in January. The Fair Tax and Equal Education Coalition is awaiting the findings of these panels. At the same time, the Coalition intends to champion the cause of those rural towns who have been discriminated against under the Miller Formula for being property-rich but income poor. Such rural towns are forced to tax themselves at a higher rate to provide an educational opportunity for their children that is equivalent to that of more urban towns.

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## **SEWERING-UP: Are there alternatives??**

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### **Editor's Note:**

*Citizens' participation in water quality planning has become essential with the establishment of a new Vermont "208 Planning Program."*

*The following "Question & Answer Discussion" is an exchange on water quality planning between VER Editor, Nat Frothingham, and members of the "Sewage Task Force" at the Institute for Local Self-Reliance in Washington, D. C. The Sewage Task Force at the Institute consists of Patti Nesbitt, Neil Seldman, and Chris Mendosa. (This discussion may not be used, or reproduced in any form, without the express, written consent of the Institute for Local Self-Reliance, 1717 18th Street, NW, Washington, D.C., 20009.)*

*These definitions may be helpful in understanding the "Question & Answer Discussion" that follows.*

**Biochemical oxygen demand (BOD)** is the rate at which the breakdown of sewage causes depletion of oxygen in water and therefore harms aquatic life.

**Primary sewage treatment**, the first stage in the water-based treatment process, consists of removing those materials from water that will settle to the bottom of a holding tank, or float to the top. At the end of the primary stage of treatment, approximately 35 percent of the solids and up to 35 percent of the biochemical oxygen demand has been removed.

**Secondary sewage treatment** is the stage at which biological organisms are introduced into an oxygen-enriched environment. These organisms feed on the dissolved organic matter and suspended solids. This stage of treatment typically removes up to 85 percent of the biochemical oxygen demand and suspended solids. The secondary stage is now the minimum treatment level permitted under federal law for new sewage plants.

**Tertiary, or "advanced" wastewater treatment** is an effort to remove an even greater portion of the suspended solids or biochemical oxygen demand in water before it is discharged into a waterway. This stage could involve the addition of a filter, or chemicals.

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# WATER QUALITY

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*In the series which follows the Vermont Environmental Report will be referred to as VER and the Institute for Local Self-Reliance will be referred to as ILSR.*

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## 1. Commitment

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**VER:** Can you give us a background statement to describe the nation's present commitment to "water-based" sewage treatment technology?

**ILSR:** Since the passage of the Clean Water Act of 1970, the Federal Government has agreed to pick up 75 percent of all construction costs for sewage treatment plants. The remaining 25 percent is split between state and local governments. After a plant is built, the costs of operation and maintenance are borne by individual cities, towns and villages. This funding formula has resulted in the promotion of traditional and advanced wastewater systems.

This is very much like federal policies in the 1950's in which money was made available to states for a national interstate highway system. What is happening today is that states and localities are being pushed into advanced wastewater treatment systems because the money is there. These systems are expensive. While it is true that construction activity provides local jobs, we may find out after the facilities have been built that it was the wrong investment, just as we are now finding out that the country would be far better off with a national railroad system, as opposed to a national highway system.

There are several examples of what this push

to wastewater sewage treatment systems can do to a community. Walton Village in Delaware is one community, Dunkirk, Ohio, is another, West Milford, New Jersey is another. There are many others. Because of the Water Pollution Control Act of 1972, these and thousands of other small towns across the nation are being required to install sewers, in some cases as early as 1977. The 75 percent federal money for construction is available. But the trouble is that many of these small towns do not have the funds to match the federal grant, nor do they have the money for maintenance and operating costs. In West Milford, New Jersey, a town of about 25,000 people, the cost of putting in sewers will be in the area of \$130 million. In the small town of Dunkirk, Ohio, with 300 to 400 people, the cost will be \$3 to \$4 million. These towns are being forced by law into what is called "sewerage up" when in fact there are many, many alternatives. If these alternatives are not completely "on-line", a minimal investment will make them on-line.

It is our position at the Institute that these alternatives should be tested out, certainly before a commitment to "sewerage up" is undertaken.

We want to add one more point. The "Small-scale Waste Management Project" of the University of Wisconsin at Madison has prepared some consultant, engineering reports for a number of small Wisconsin towns. This is what they found out: that if "sewerage up" did go forward in these communities, a number of these small towns would be wiped out financially. What the University of Madison consultants recommended was a series of alternative systems that varied according to the local circumstances of the towns involved.

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## 2. Assessment

**VER:** Please make a general assessment of the nation's multi-billion dollar wastewater treatment effort. Would you comment on the size of the investment and the cost-effectiveness of the result?

**ILSR:** The Environmental Protection Agency (EPA) estimates that \$342 billion will be needed to equip municipal water and sewage systems with tertiary, or advanced wastewater treatment facilities. There are serious questions as to whether this technology is the "best available" and whether it will work effectively.

Some of the Institute's analyses have shown that for as little as 10 to 50 percent of the costs of these advanced wastewater treatment facilities, we could go to some form of land treatment. Land treatment would not be dependent on adding chemicals to millions of gallons of water. It would rely on a land resource we know will be available. Our analyses show that for about 90 percent of the *standard metropolitan statistical areas* in the country there will be sufficient open space with suitable soils that could employ land treatment. (A *standard metropolitan statistical area* is a county or group of contiguous counties that contain at least one city of 50,000 people or more, or towns and cities with combined populations of at least 50,000 people.)

There is a serious drawback to advanced chemical treatment in the tertiary systems that are being proposed. We simply cannot guarantee that the chemicals, such as methanol and chlorine, required in increasing amounts to get good treatment, will be available over the working life of these plants. This is a serious problem. Methanol, which is critical in some advanced treatments, is now being sold only on the black market.

Another problem is the use of chlorine in our water systems. In New Orleans, in 1975, it was

discovered that there were carcinogenic (cancer producing) agents in the water system. Later EPA tests in 79 other cities indicated the presence of carcinogenic agents in their systems. The main fear is that chlorine reacting with inorganic matter in water systems forms carcinogenic agents which are dangerous to human health and to aquatic life in the streams as well.

We should look at land treatment and we should examine sewerless, non-water toilet systems. But we'll talk about these later.

## 3. Chlorine

**VER:** Can you say anything more specific about chlorine as a danger to human health?

**ILSR:** We simply refer you to the U.S. Environmental Protection Agency, Office of Toxic Substances, A Report to Congress, December, 1975, entitled, *Preliminary Assessment of Suspected Carcinogens in Drinking Water*.

## 4. E.P.A.

**VER:** Can you describe steps presently being taken by the Environmental Protection Agency (EPA) to explore and test alternatives to water-based sewage treatment technology?

**ILSR:** We know of none.

All we know is of people trying to push EPA to look at alternatives. But EPA is not taking any steps that we know about so far.

At this point the leaders in the alternative sewage field are public interest researchers, small business people, independent researchers. Mr. Sim Vanderin, the State Architect for California, has been very active in sewerless systems. We're looking forward very much to developments in the State of California. That's one piece of encouragement.

*(This series will be continued.)*



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## **vnrc news**

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### **VNRC PUBLISHES NEW BOOKLET ON TAXES AND LAND CONSERVATION**

VNRC has just released a new publication entitled, **Charitable Gifts of Land: Their Tax Implications**. This new booklet explores the subject of taxes and the conservation of open space land. It examines the tax considerations that are available to landowners who would like to maintain their property in its present uses. It discusses both Vermont and federal taxes, including property, income, capital gains, estate, and gift taxes. The VNRC booklet describes such protection devices as conservation restrictions, open space easements, and development rights.

Great concern has been expressed, particularly in recent years, over the future of productive agricultural and forestry lands and the preservation of natural areas, such as wetlands. Some of these lands have been protected by Act 250 or local zoning laws. But there are political and constitutional limits to the extent that government may go in regulating the use of private land without just compensation. Some critical areas have been purchased by state and federal governments and private organizations. But there are also limits to what the public can afford to pay and what private organizations can raise.

It is for these reasons that the decisions of individual landowners is so pivotal to the future of open space. There are many property owners who want to see their land protected from subdivision and development after it leaves their hands. Many of these same property owners, however, are under the impression that this can only be accomplished by absorbing a large financial loss. The purpose of the VNRC booklet is to demonstrate how, through proper planning and careful attention to applicable tax laws, the "cost" of making a charitable gift of valuable property rights can be substantially minimized. In some cases, such a charitable gift may even be to the property owner's financial advantage.

**Charitable Gifts of Land** is the first publication of the newly-established VNRC Environmental Law Service. (This Service was described in a flyer attached to the November issue of the **VER**.) **Charitable Gifts of Land** is available for \$1.00 to VNRC members, \$1.50 for non-members. If you would like more information about this publication, or about the Law Service, call Darby Bradley at (802) 223-2328, or write to VNRC, 26 State Street, Montpelier, VT., 05602.

### **VNRC RENEWALS TO GO OUT TO MEMBERS IN MID-JANUARY**

The Council will be asking VNRC members to renew in a mailing that will be going out in mid-January, 1977. VNRC memberships follow the calendar year. Your membership in the Council is a valued, indispensable part of a collective effort to protect and intelligently use the natural resources of Vermont.

### **CHANGE OF ADDRESS!!**

It costs VNRC twenty-five cents for each piece of mail returned because of an incorrect address. The Council would be grateful if you would send us notice of a change of address as soon as you can (and your old VER address label if possible). This will enable us to keep the VER coming to you without interruption and will save VNRC postal return fees.

### **VT. TOMORROW TO HOLD "FUTURE" DISCUSSIONS**

As part of its "Vermont's Third Century" Survey Project, Vermont Tomorrow is sponsoring public discussion groups on Vermont's future throughout the State. These groups will be held in January and February, in homes, libraries, churches, and other meeting places.

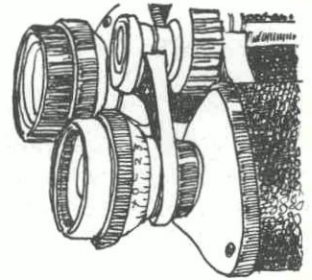
Vermont Tomorrow will provide discussion group leaders, background information, and a suggested format. If you are interested, or would like more information, contact Larry Mires at Vermont Tomorrow, 5 State Street, Montpelier, Vermont, or call 223-5296.

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# SPECIAL OFFER!

VNRC IS OFFERING THREE MODELS OF BUSHNELL BINOCULARS AT SPECIAL MEMBERSHIP PRICES. THE BUSHNELL BINOCULAR IS A TOP-RATED, REASONABLY-PRICED GLASS. A GOOD PAIR OF BINOCULARS IS A LIFETIME INVESTMENT. ALL MODELS COME WITH CASE AND MANUFACTURER'S WARRANTY. ALL HAVE CENTER FOCUS AND NYLON RETRACTABLE EYECUPS TO PROVIDE FULL, WIDE-VIEWING, WITH OR WITHOUT EYEGLASSES.



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(1) *BUSHNELL CUSTOM, 7 X 35 (manufacturer's list price, \$169.50.)* Best all-around binocular, focuses down to 14 feet, weighs 29 ounces.

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(2) *BUSHNELL CUSTOM, 10 X 50 (manufacturer's list price, \$189.50.)* More powerful and heavier binocular, ideal for low light levels, dusk. The favorite of many serious bird-watchers, weighs 42 ounces.

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THESE BINOCULARS ARE NOW AVAILABLE FOR INSPECTION AND PURCHASE. IF YOU WISH TO RESERVE A PAIR PLEASE CALL OR WRITE THE VNRC OFFICE, 26 STATE STREET, MONTPELIER, 05602, OR TELEPHONE 223-2328. MAIL ORDERS WILL BE ACCEPTED WITH AN ADDITIONAL CHARGE OF \$3.00 FOR HANDLING AND INSURANCE.

## LETTERS...

To the Editor:

In your article on the "208" Water Quality Planning Program in the November issue of the **VERMONT ENVIRONMENTAL REPORT**, you traced a brief history of Vermont's entry into the program. Brief as it was, it had a glaring omission: the role of the Vermont Association of Planning and Development Agencies (VAPDA) in convincing the State Government to pursue active designation and funding by EPA. The decision to go with "208" was no doubt helped by the NRDC suit but in fact was made by a special committee appointed by Governor Salmon at the suggestion of VAPDA. The agen-

cies represented on the Committee included State Planning Office, Agency of Environmental Conservation, and three regional commission staff members.

I think it is significant that, in Vermont, pressure for entering the 208 planning program came from locally-based, citizen-run regional planning agencies. If the activism and dedication of the Administrative District No. 8 Committee (Bennington Region) is any indicator, the citizen involvement in this planning process will be detailed, intensive, and productive.

Sincerely yours,

John G. Simson, Executive Director

Bennington County Regional Commission



## publications

### 1977 WEEKLY LEGISLATIVE ALERT AVAILABLE

Beginning January 14th, and continuing each week during the life of the Session, seven environmental groups will sponsor the publication of a **1977 WEEKLY LEGISLATIVE ALERT**.

The purpose of the **ALERT** is to keep Vermonters abreast of current legislative developments as they affect environmental legislation. Subscribers will receive reports on key environmental bills, a legislative log of pending environmental legislation, and a calendar of meetings and hearings. The **ALERT** will be a mechanism for creating a strong, statewide Citizens' Lobby in support of sound environmental legislation.

The **LEGISLATIVE ALERT** will be assembled at the close of business on Fridays. It will be

mailed on Saturday mornings. It will be in the hands of subscribers with Monday morning's mail. VNRC members are invited to subscribe at a cost of \$5.00. Please make checks out to **LEGISLATIVE ALERT**, care of VNRC, 26 State Street, Montpelier, Vermont, 05602.

### RESEARCH STUDY ON NUCLEAR POWER AVAILABLE FROM VNRC

VNRC has available a supply of copies of the May, 1976 research study written by Denis Hayes of the Worldwatch Institute in Washington, D. C., and entitled, **Nuclear Power, the Fifth Horseman**. Seward Weber, the Council's Executive Director called the 68-page study, "one of the most complete and sensible discussions of this issue we've seen." Copies are available from the Council for \$1.50, which includes postage and handling.

# VNRC

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