



# VT DEC Stormwater Program

## Vermont Stormwater Rules 2017 Update



# Stormwater Rule

- Why update
- Changes, new standards
- Timing and process for rule adoption



# Stormwater Rule – Why Update?

- Required by Act 64- Vermont Clean Water Act
- Consolidate 3 existing rules
- Develop state rules for NPDES –based programs
- New requirements



# Revised Rule – What Is Accomplished?

- One Rule For:
  - Operational
  - Construction
  - Multi-Sector General Permit
  - Municipal Roads General Permit
  - MS4
  - Designation Authority
  - CAFO



# Stormwater Rule- Anything New?

- 3- Acre Sites
- Offsets and impact fees
- Requirements for expired permits
  - Stormwater-impaired waters
  - Lake Champlain watershed

# 3-Acre General Permit

- \* Due January, 2018
- \* LC Basin by 2023
- \* Statewide by 2028





# 3-Acre General Permit

- Roughly 1,000 sites statewide



# 3-Acre General Permit

- Permit Requirements
  - Retrofit
  - Maximize treatment on site
  - Vermont Stormwater Management Manual
    - “water quality treatment standard”
    - “groundwater recharge”
    - “channel protection”





# Expired Permits

- Stormwater-impaired waters & Lake Champlain watershed
  - 3-Acre site = follow 3-acre requirements



# Permit Renewal

- Upgrade necessary as part of FRP/PCP
  - Retrofit
    - Champlain: Rev, WQTS
    - Stormwater-impaired: Rev, CPv, WQTS



# Permit Renewal

- Stormwater-impaired waters & Champlain watershed
  - Less than 3-Acre site, no upgrade per FRP or PCP
    - Meet standards in existing permit



# Retrofit Sites

- 3-Acre and Permit Renewals for FRP/PCP
- Goal is to meet standards on 100% of site



# Engineering Feasibility Analysis (EFA)

- A project shall not be required to undertake the following activities in order to maximize stormwater management:
- purchase or acquisition of additional land for off-site treatment of stormwater
- site re-grading or site re-contouring to the point of permanent interference with either the existing land use, or material conditions of any existing land use permits
- pumping or otherwise mechanical re-routing of stormwater runoff
- mechanical or chemical treatment of stormwater
- infiltration where basement flooding or subsurface pollutant plume transport will occur
- construction that would not be in compliance with the Agency's "Flood Hazard Area and River Corridor Protection Procedure" or within any wetland or its 50-foot buffer zone
- destruction of contiguous forested areas exceeding 5,000 square feet



# Impact Fees

- Stormwater rule and 3-Acre GP
  - “shall allow use of”
    - Offsets
    - Impact fees
    - Trading



# Impact Fees

- Applicable
  - Only in Champlain Basin
  - Stormwater-impaired waters
- Incentives
- Equity



# Impact Fees

- Impact fee system:
  - If  $< 75\%$  of site, need to pay an impact fee
  - If  $> 75\%$  of site, eligible to receive fees





# Impact Fees

- Up to \$50,000 per Acre
  - Based on \$30,000
  - Adjusting for inflation



# Impact Fees

- \$50,000?
- Engineering News Record Construction Cost Index
- 2002 to 2017
- Cost Multiplier= 1.6524
- $\$30,000 \times 1.6524 = \$49,572$  or \$50,000



# Impact Fees

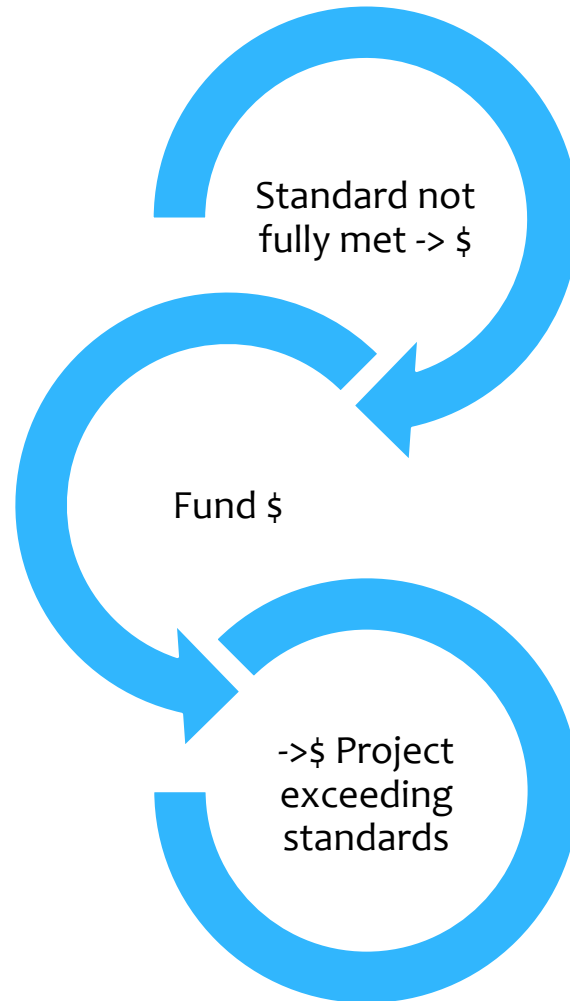
- \$50,000 per Acre
  - Groundwater Recharge: \$10,000
  - Water Quality Treatment: \$15,000
  - Channel Protection: \$25,000



# Impact Fees

- Stormwater Impaired Waters
  - WQTS, Rev, CPv = up to \$50,000
- Lake Champlain, Not Stormwater-Impaired
  - WQTS, Rev = up to \$25,000

Post-TMDL  
Impact  
Fees





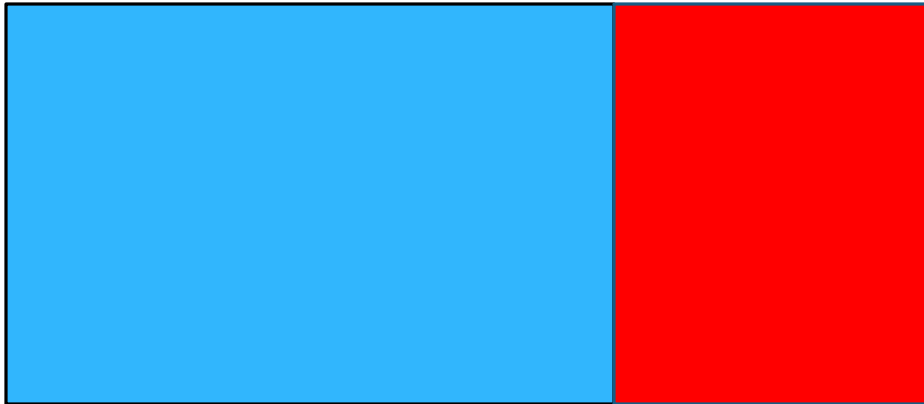
# Example Site

## 4 Acres Impervious Surface

- Fee Target: 75% of Site, or 3-Acres

- 3 ac. Treated

- 1 ac. Not treated



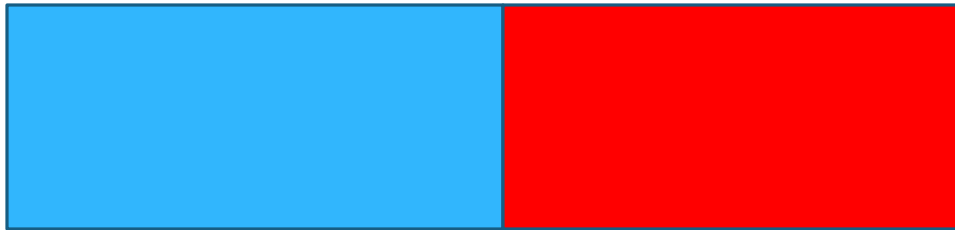
- Pay \$0



# Example Site

## 4 Acres Impervious Surface

- Fee Target: 75% of Site, or 3-Acres
- Champlain Basin: Fee is \$25,000 per Acre
  - 2 acres treated
  - 2 acres not treated



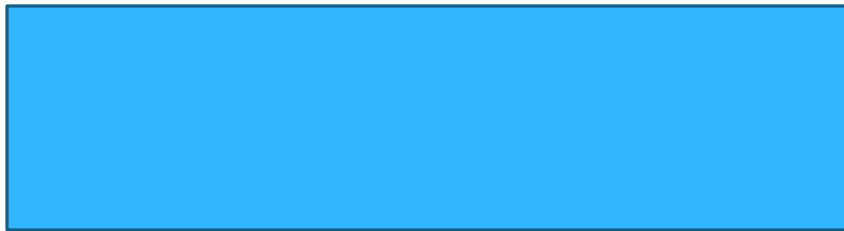
- Pay 1 acre x \$25,000/acre = \$25,000



# Example Site

## 4 Acres Impervious Surface

- Fee Target: 75% of Site, or 3-Acres
- Champlain Basin: Fee is \$25,000 per Acre
  - 4 acres treated



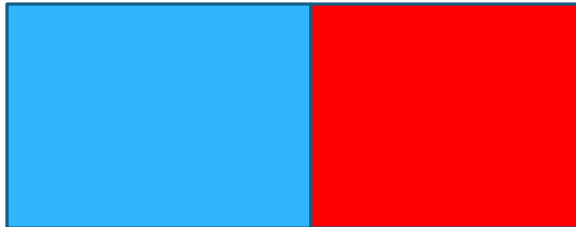
- Get paid: 1 acre x \$25,000/acre = \$25,000





# Example Site Offset/ Voluntary Project 1 Acre Site

- No Fee Target
- Champlain Basin: Fee is \$25,000 per Acre
  - ½-acre treated    ½-acre not treated



- Get paid  $0.5 \text{ acre} \times \$25,000/\text{acre} = \$12,500$



# Offsets

- Pre-TMDL Permits
  - No increase in loading for all categories
  - May use offset to meet



# Offsets

- Post-TMDL
  - Offsets for 3-acre, designated permit renewal
  - Not applicable to “new” – must meet on 100% of site



# Offsets

- General
  - Offsite offsets get their own permit
  - Offsets limited to stormwater
    - No agriculture, roads, streams

# Trading



- \* Offsets
- \* Impact fees
  - \* Not stormwater and wastewater
  - \* Not stormwater and agriculture



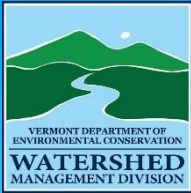
# Rule – Key Decision Points

- 3-Acre sites – treatment requirements
- Expired Permits
  - Upgrade only if in FRP/PCP
- Impact fees
  - Applicability – pre and post-TMDL
  - Level of fees
  - Ability to receive fees



# Rule – Process and Timing

- Due January 2018
- Process (+/-)
  - Stakeholder outreach –now
  - Draft Rule to ICAR October (+/-)
  - Public comment into Fall of 2017



# Information

VERMONT OFFICIAL STATE WEBSITE



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## STORMWATER RULE 2017 UPDATE

[Stormwater Rule: 2017 Update](#)

DEC is required to adopt an updated Stormwater Management Rule by January 1, 2018. This rule will cover all Stormwater permitting programs, including operational and NPDES-based programs. Adoption of the rule, and associated general permits, are required by Act 64 (the Vermont Clean Water Act), and are an important component of the Lake Champlain TMDL Accountability Framework.

In advance of filing the proposed rule, and to provide an extended opportunity for consideration of the proposal and for public input, DEC is providing the [Stormwater Rule: 2017 Update](#) covering a set of "major topics" on which we are seeking input, and that will be the subject of our August 24th meeting. Additional future meetings are likely, with the schedule to be determined.

We will seek to commence the formal rule making process early in the fall, at which time a copy of the proposed rule will be available for review. The rule process itself includes a formal public comment period and public hearing.

We welcome your input and are available to discuss areas of interest to you at other times, please reach out to us if you'd like to arrange a time to discuss. Pre-rulemaking questions, or inquiries should be directed to **Padraic Monks, Stormwater Program Manager**, at [padraic.monks@vermont.gov](mailto:padraic.monks@vermont.gov) or (802) 490-6169. We do request that feedback you'd like us to consider on the attached document be provided in writing.





# Other...

- Also in 2017
  - New VSMM 7/1
  - MSGP
  - MRGP
  - MS4
  - CGP



# Questions?

