

## 8.2 Lake Champlain Phosphorus Control Plan (PCP) Requirements

- A. The permittee shall develop and implement a Phosphorus Control Plan (PCP), for approval by the Secretary, for developed land consistent with the Lake Champlain TMDLs.
1. At a minimum, the PCP shall be designed to achieve a level of phosphorus reduction equivalent to the percent reduction target for developed land in the associated TMDL lake segment(s) as applied to municipally-owned<sup>1</sup> developed lands. The percent reduction targets are included in Appendix A of this permit (See Table 8 of the Phosphorus TMDLs for Vermont Segments of Lake Champlain, June 17, 2016).
  2. The PCP may include the treatment of non-municipally-owned developed lands.
  3. The PCP may include, but is not limited to, reductions calculated from:
    - a) Implementation of the Municipal Road Standards (in Subpart 8.3),
    - b) Street sweeping and catch basin cleaning practices,
    - c) Retrofits to municipally owned properties,
    - d) Implementation of stormwater treatment practice upgrades or retrofits to treat existing impervious after the adoption of the 2002 Vermont State Stormwater Manual,
    - e) Implementation of stormwater treatment practices on state stormwater operational permit sub-jurisdictional developed lands after July 1, 2010, on developed lands that are not subject to the state's operational stormwater permit.
    - f) Implementation of municipal ordinances or regulations to address sub-jurisdictional impervious surfaces.
  4. The following conditions apply when calculating phosphorus reductions for application towards the PCP targets:
    - a) Where a PCP includes phosphorus reductions from non-municipally-owned developed lands that are otherwise subject to an operational stormwater permit that requires an upgrade of the stormwater treatment system pursuant to the Department's regulations, including 3-acre sites, the PCP shall be designed to achieve, in aggregate, a level of phosphorus reduction equivalent to the lake segment target as applied to municipally-owned developed land, and a 50% reduction<sup>2</sup> from the non-municipally-owned developed lands. The MS4 shall assume full legal responsibility for the stormwater systems as per Part 7.
    - b) Where a PCP includes non-municipally-owned developed lands that are subject to an operational stormwater permit that does not otherwise require an upgrade of the stormwater system pursuant to the Department's regulations, the management of

**Commented [WC1]:** Added footnote to address comment from Bill N about UVM.

**Commented [WC2]:** Added to address James S comment

**Commented [WC3]:** Added to address Bill N comment

**Commented [WC4]:** Rephrased this to clarify.

**Commented [WC5]:** New to address Tom D comment

<sup>1</sup> The term municipally-owned used in Part 8.2 includes developed lands owned by non-traditional MS4s.

<sup>2</sup> The 50% reduction target may change dependent on the standards adopted in the forthcoming Stormwater Rule.

stormwater from these lands is creditable towards the phosphorus reduction target. The MS4 shall assume full legal responsibility for the stormwater systems as per Part 7.

- c) Where a PCP includes non-municipally-owned developed lands that are not otherwise subject to an operational stormwater permit, the management of stormwater from these lands is creditable towards the phosphorus reduction target. The MS4 shall establish a maintenance agreement with the property owner(s) to ensure long-term maintenance of the BMP(s). The maintenance agreement can be conditions in a local permit, part of an approved plan, or similar municipal authority.
- d) The PCP may include a component to address a reduction of future growth discharges of phosphorus from developed lands. The future growth component shall track the amount of development, and the level of stormwater management achieved by local ordinances, or regulations, on future development. Future development is any development after July 1, 2010 that is not subject to a state operational permit.

**Commented [WC6]:** This is new to address Tom D and Karen A's comments

**Commented [WC7]:** Reworded this section and added the date.

**Commented [WC8]:** New to address Tom D comment

- B. The Secretary will evaluate the phosphorus reductions achieved through all of the developed lands regulatory tools to assess compliance, per lake segment, with the Lake Champlain TMDL reduction targets. This evaluation may result in the regulation of additional impervious surface to meet the phosphorus reduction requirements.
- C. The submissions of the Road Stormwater Implementation Table (Implementation Table) and the final PCP shall be placed on public notice pursuant to Subpart 3.8. Upon approval by the Secretary, these shall become a part of the permittee's SWMP.
- D. Schedule of Compliance. The permittee shall complete implementation of the PCP no later than June 17, 2036.

The permittee shall, according to the following schedule:

April 1, 2019	- Submit the first Annual PCP Report
April 1, 2020	- Submit the Annual PCP Report and the Implementation Table with results of the Road Erosion Inventory (REI)
April 1, 2021	- Complete the Phosphorus Control Plan (PCP) and submit it to the Secretary - Submit the Annual PCP Report

April 1, 2022 and every year thereafter	- Submit Annual PCP Report
No later than June 17, 2036	- Complete full implementation of the approved PCP

- E. Pursuant to the foregoing table, the permittee shall submit a report every April 1<sup>st</sup> on the development and implementation of the PCP. The reports shall address actions taken to implement all PCP components, including:
1. Extent of implementation of the Municipal Roads Standards and any necessary updates to the Implementation Table,
  2. Extent of street sweeping and catch basin cleaning,
  3. Extent of stormwater BMP implementation,
  4. An estimate of the extent of remaining items requiring completion,
  5. An assessment of the ability to meet outstanding schedule items, and
  6. A written statement, signed by a designer acceptable to the Secretary, that any structural BMP built or implemented within the preceding six-month period was constructed in compliance with the approved plans.