

CHITTENDEN COUNTY REGIONAL PLANNING COMMISSION
 CLEAN WATER ADVISORY COMMITTEE – **DRAFT** MINUTES

DATE: **Tuesday, October 1, 2019**
 SCHEDULED TIME: 11 a.m. to 12:30 p.m.
 PLACE: CCRPC Offices, 110 West Canal Street, Suite 202, Winooski, VT
 DOCUMENTS: Minutes, documents, and presentations discussed accessible at:
<http://www.ccrpcvt.org/meetings/clean-water-advisory-committee/>

Committee Members in Attendance		
Bolton:	Hinesburg: Merrily Lovell	St. George:
Buels Gore:	Huntington:	Underhill: Brian Bigelow
Burlington: James Sherrard	Jericho:	Westford:
Charlotte:	Milton: Ashley Toof	Williston: Christine Dougherty
Colchester: Karen Adams	Richmond:	Winooski: Ryan Lambert, Tim Grover
Essex: Annie Costandi	Shelburne: Chris Robinson, Dean Pierce (non-member)	VAOT: Jennifer Callahan
Essex Junction: Chelsea Mandigo	South Burlington: Tom DiPietro;	VANR: Christy Witters; Padraic Monks
Burlington Airport:	University of VT: Michael Richards	CCRPC Board:
Friends of the Winooski River:	Lewis Creek Assoc: Kate Kelly	Winooski NRCD:
Other Attendees: Jessica Louisois (Milone & MacBroom); Amy Macrelis and Peter Lazorchak (Stone Environmental); Evan Fitzgerald (Fitzgerald Environmental)		
CCRPC Staff: Dan Albrecht, Charlie Baker (left at 11:45pm), Regina Mahony (left at 11:45pm)		

1. **Call to Order.** The meeting was called to order by Annie Costandi at 11:00 a.m. Introductions were made.

2. **Changes to the Agenda and public comments on items not on the agenda** None.

3. **Review and action on draft minutes of August 6, 2019.**

After a brief recap by Dan Albrecht, *Jennifer Callahan made a motion, seconded by Chelsea Mandigo to approve the minutes as drafted. MOTION PASSED. Abstention by Annie Costandi.*

4. **Presentation by Padraic Monks, DEC, Draft General Permit for 3-acre sites**

For details see link to draft general permit here: <https://dec.vermont.gov/watershed/stormwater/9050>.

Some key points from Mr. Monks' presentation were:

- This general permit covers all operational stormwater permitting, including new development, redevelopment, and permit renewal. Additionally, this general permit serves as the “Three-Acre General Permit” as required under the Vermont Clean Water Act. This new “9050” permit will supplant the old system of renewing a “9010” permit or getting a new “9015” permit.
- General Permit is out for public comment from public notice from 9/20/19- 11/8/19.
- DEC is holding three public meetings: October 28th in Rutland; October 29th in Montpelier; and October 31st in Milton (Milton Municipal Building, Community Room, at 43 Bombardier Road, Milton, 2:00 - 3:30 PM)

Questions:

- Exemption: 400 sq.ft. This is for isolated impervious surfaces (aka roads). For example, if you have a pump house surrounded by woods you just need to disconnect it and address any erosion. They are still subject to the permit but have separate standards.
- Roadways in the public roadways that won't fall under isolated roads. Some of these fall under the MRGP permit. The MRGP doesn't expect the Town's to acquire additional ROW. How do municipalities address the areas for treatment under this permit? Padraic indicated that under the feasibility analysis the municipalities don't have to acquire additional land; however, it will need to be worked out in co-permittee situations. In a Homeowners Association situation, Colchester has private

1 agreements that makes responsibilities clear in accordance with ownership, and they are now needing
2 to figure out how to deal with these situations.

- 3 • Question about existing permits that are about to expire. Padraic stated that there are provisions in the
4 General Permit that describe how to handle existing permits that are going to expire within the first 12
5 months of the new General Permit. For expired permits they'll have coverage under 3-9050 for the
6 first 12 months, but then they need to actually apply.
- 7 • Question about 3-acre sites under the CSO. Padraic stated there is an exemption in statute that exempts
8 properties that are going to the wastewater treatment plant from needing to comply with the
9 stormwater permit.
- 10 • Discussion about municipalities that have standards that are more restrictive than the 3-9050 permit.
11 Hopefully DEC can keep municipalities apprised of conversations they are having with applicants so
12 the municipalities can explain that they may have higher standards that they need to comply with (like
13 the MS4 requirements and flow restoration plans). Padraic stated that he isn't sure how best to handle
14 this; and suggested that perhaps there should be follow-up communication to properties that are
15 subject to flow restoration plans. Padraic explained the benefits from DEC's perspective of a
16 municipality taking over stormwater systems on 3-acre sites.
- 17 • There was a discussion about the impact fees. Improvements will likely be more expensive than the
18 offset fee. There was a suggestion that there will be pressure to try to access the offset fee provision;
19 and it will be difficult for municipalities to actively participate on each application to comment on
20 whether they are making improvements or using the offset fee. Discussion about the potential to do
21 some larger regional solutions within a watershed.
- 22 • Question about Phosphorus Control Plan target adjustment: If a municipality takes over SW treatment
23 for example, from a 3-acre permit site the applicable acreage would be added to the municipality's
24 baseload
- 25 • Cost is not an allowed, exclusionary criteria for a permittee to be forgiven his/her obligations
- 26 • The issue of a municipality taking over a treatment for a 1-2 acre portion while at the same time the
27 municipality is already meeting road BMP standards came up. Would a municipality still be required
28 to meet the 35% reduction...? This seems unfair given its less than 3-acres that's being taken over.
- 29 • Derick Read asked if projects/parcels associated with the old "1-dash Watershed Improvement Permits
30 but built to 2002 permit standards would be considered to be compliant. Padraic yes they would
31 because the practice was equivalent to the 2002 standards.
- 32 • Christy noted that these are good questions and DEC will look to answer them.

33 34 35 **5. Updates/Comments**

- 36 • Neil Kamman of DEC is the head of its newly-created Water Infrastructure Finance and Development
37 Division.
- 38 • Tom DiPietro requested more clarity from DEC regarding what is required with regards to leaf
39 sweeping and street sweeping, i.e. "what counts as a qualified program?"
- 40 • Some members thanked Tom DiPietro for the excellent all day stormwater training he helped to
41 organize through the Green Mountain Water Environment Association in late September.

42 43 44 **6. Items for November 5th meeting agenda.** To be determined through staff consultation with the co- 45 chairs.

46 47 **7. Adjournment.** The meeting adjourned at 12:15 p.m.

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50 *Respectfully submitted, Regina Mahony & Dan Albrecht*