

CHITTENDEN COUNTY REGIONAL PLANNING COMMISSION
MS4 SUBCOMMITTEE
 OF CLEAN WATER ADVISORY COMMITTEE – **DRAFT** MINUTES

DATE: **Tuesday, December 3, 2019**
 SCHEDULED TIME: 11:15 a.m. to 12:45 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		
Burlington: Jenna Olson	Burlington Airport: Doug Campbell & Polly Harris (Stantec)	Williston: Christine Dougherty
Colchester: Karen Adams	Milton: Dave Allerton	Winooski: Tim Grover; John Choate; Ryan Lambert
Essex: Annie Costandi, co-chair	Shelburne: Chris Robinson	VAOT:
Essex Junction: Chelsea Mandigo, co-chair	South Burlington: Tom DiPietro	Univ. of VT: Lani Ravin; Amanda Clayton
DEC:		
Other Attendees: Jim Pease, DEC; Evan Fitzgerald, Fitzgerald Environmental; Andrea Morgante, Lewis Creek Association; Peter Smiar, VHB; Amy Macrelis, Stone Environmental		
CCRPC Staff: Dan Albrecht, Charlie Baker, Eleni Churchill		

1. Call to Order, Changes to the Agenda and Public Comments on Items not on the agenda:

Chelsea Mandigo called the meeting to order at 11:37 a.m. At the request of Tom DiPietro, “discussion of P-reduction credit for floodplain protection” was added after Item 4.b. No public comments were made.

2. Review and action on draft minutes of September 3, 2019

After a brief recap by Dan Albrecht, *Karen Adams made a motion, seconded by Chris Robinson to approve the minutes as drafted. MOTION PASSED with abstentions by Ravin, Stantec staff and Dougherty.*

3. General Permit 3-9050 (2019) For Operational Stormwater Discharges

<https://dec.vermont.gov/watershed/stormwater/9050> discussion of submitted comments and potential permit challenges

Members recapped the nature of their respective community’s comments. Those noted included:

- How will munis interact with respective co-permittees (e.g. homeowners’ associations, business parks, etc.) on such issue as access?
- How does a muni demonstrate due diligence?
- Permit should not include language suggesting that Permittees reach out to municipalities and stormwater utilities for assistance
- There is the potential for permit overload on municipalities. Any 3-acre permit assignments that are based upon road ownership by a muni are already captured within the “MRGP” standards embedded within the MS4 permit
- There is uncertainty over the issue of “usable life.” Is that based upon the intent at time of installation?
- The issue of “first waters” needs clarification especially if discharge is direct to Winooski River which does not have a TMDL established.
- There is high potential that a landowner’s current Act 250 permit will get re-opened the moment that have to change their parcel layout in order to meet the requirements of the 3-acre permit. 3-acre permit related work should exempt from triggering Act 250.
- Similarly, if the required project involves handling of contaminated soils that could quickly increase costs.
- The timeline is too short to get the required Engineering Feasibility Assessments completed
- How would collaborative projects work, for example, by involving a 3rd party in a conservation effort?
- There is high potential that some projects will have some impact on wetlands (such as older SW treatment systems surrounded by wetlands) but EFA does not allow that some it appears some past

1 flexibility and recognition that stormwater treatment benefits often outweigh minor impacts to
2 wetlands is gone.

- 3 • How will lawns next to wetland buffers be treated?
- 4 • There needs to be clarity between requirements of Flow Restoration Plans and 3-acre permit in terms
5 of timeline, interrelationship and which standards apply. For example, Englesby Brook has now been
6 declared a warm water fishery and therefore detention period has shifted from 12 hours to 24 hours.
- 7 • Lastly, owners of orphan stormwater systems are going to need help. In some cases, every single
8 homeowner received the 3-acre permit notification letter.

9 10 **4. Development of Phosphorus Control Plans**

11 12 **a. CCRPC update on assistance with REI Implementation Table for April 2020 report**

13 Charlie Baker stated CCRPC will work intensively over the next several weeks to get the necessary field
14 work and data analysis completed so that MS4s have what they need in terms of Road Erosion Inventory data
15 and analysis so as to include the REI Implementation Table for their April 2020 report to DEC. He noted that
16 Chris Dubin has had to do a lot of work over the last several months in terms of revising DEC's dataset of
17 hydrologically-connected segments particularly those that are connected by virtue of draining to an outlets that
18 drains to a body of water. There are several outlets that have not been inventoried yet (mostly due to being
19 located in heavy vegetation or steep slopes) but through hiring some of our consultants to aid Chris, we
20 anticipate visiting those outlets in the next few weeks. Chris is out this week but by early January, he should be
21 able to send each of you your respective raw REI data for you to review and if you get him comments/edits he
22 can then clean up the data and get it back to you fairly quickly.

23 Members noted the need to get the raw REI data soon. The REI dashboard is useful for visualization but
24 harder to work with in terms of building a capital budget and plan to upgrade needed segments. Also it appears
25 that in some cases the REI dashboard is not capturing the fact that a municipality has upgraded certain
26 segments.

27 Christy Witters noted that in terms of the implementation table she only needs to see in the April 2020
28 report the Permittee's ideas on which segments they plan to address in 2020 and 2021. This can be done
29 through the MS4 permit online reporting system through entering that info in the field titled "work to be done."
30 This will not be considered as amendment to the SW Management plan.

31 32 **b. PCP plan development: updates from munis/consultants working on plans**

33 Members recapped their current PCP development efforts as follows:

- 34 • Essex and Essex Junction: Consultant: Stone Environmental; Funded via: VTRANS Grant
- 35 • Colchester: Consultant: VHB; Funded via: VTRANS Grant
- 36 • Milton: Consultant: Fitzgerald Environmental; Preliminary analysis completed via Stormwater Master
37 Plan funded by Ecosystem Restoration Program grant
- 38 • South Burlington: Consultant: Fitzgerald Environmental; Funded by City taxes
- 39 • Williston: Consultant: Fitzgerald Environmental; Funded by CCRPC UPWP
- 40 • Burlington: Consultant: Stone Environmental via City's IPP process
- 41 • Winooski: Consultant: Watershed Consulting Associates; Funded by CCRPC UPWP
- 42 • Shelburne: in discussions with Fitzgerald Environmental; funding not yet secured

43 Noting that final PCPs are not due to be submitted to DEC until April 2021, Albrecht asked Christy Witters of
44 DEC if DEC would be able to provide feedback on rough drafts prior to submission. She indicated that they
45 would.

46 Discussion then focused on the estimated cost-per-acre for phosphorus removal. With regards to UVM
47 properties, DiPietro noted that they are not required to prepare a Phosphorus Control Plan. However, UVM
48 does have some obligations for projects identified in Flow Restoration Plans. Jim Pease noted that DEC has
49 recently issued an RFP for a consultant to develop standardized P-removal cost-per-acre calculations for all
50 land use categories. The results of that analysis are about a year away.

1 **c. P-reduction credit for floodplain protection**

2 Members noted that DEC is interested to know if MS4 municipalities would be willing to
3 implement various natural resource projects such as dam removal, floodplain restoration, wetland
4 restoration, wetland buffers, etc. if they would receive a phosphorus reduction credit under their PCP.
5 Witters asked the members if they would be willing to do this. DiPietro noted that his City would
6 only do so if the credit was large enough to justify the effort involved. His City is very busy
7 implementing FRP projects as well as other work but if there is a year with a low workload he might
8 be interested in pursuing it. Jenna Olson indicated that Burlington is possibly interested in doing so
9 via ANR's WISPr program. DiPietro asked if there is an existing list of potential natural resource
10 projects. From a big picture standpoint he understands the need for such projects. Discussion
11 concluded with a direction to staff to reach out to Padraic Monks of DEC to see if he can give a
12 presentation at an upcoming meeting.
13

14 **5. Clean Streets project**

15 Jim Pease noted that USGS is scheduled to deliver its draft report by December 31st with an overall final
16 deadline of April 1st. In order to calculate whether a municipality's street sweeping effort would qualify for a
17 p-reduction credit he needs to know the routes of their sweeping program and would like to receive that
18 information by December 31st. If a municipality were to adopt the "Wisconsin" standard (e.g. 4 sweepings
19 each fall, prohibition of raking leaves into street, etc.) then there is the potential for munis to receive an 18%
20 credit rather than just 2-4%.

21 Members stressed the need for DEC to tell them how much of a credit (off their calculated load reduction)
22 they will receive for prior efforts. It was noted that this will depend upon when a municipality's street
23 sweeping and catch basin cleaning program were established. Generally, if started before 2000 or after 2010,
24 then there is no calculated credit. If a muni started or upgraded its program between 2000-2010 then they
25 would get a prorated credit.
26

27 **6. Items for upcoming meetings**

28 Tuesday, January 7th

- 29 a. Pluck: update on creative, web results to date, planned winter campaign
30 b. WNRCD: update on RR Stream Team activities and upcoming work
31 c. Stone Environmental: update on flow monitoring stations

32 Tuesday, February 4th

- 33 a. Presentation by USGS on Clean Streets project
34 b. Presentation by DEC on P-reduction-credit for NR projects
35

36 **7. Adjournment**

The meeting adjourned at 12:43 p.m.

37
38 *Respectfully submitted, Dan Albrecht*