

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

DATE: **Tuesday, October 6, 2020**  
 SCHEDULED TIME: 11 a.m. to 12:15 p.m.  
 PLACE: ONLINE  
 DOCUMENTS: Minutes, documents, and presentations discussed accessible at:  
<http://www.ccrpcvt.org/meetings/clean-water-advisory-committee/>

| <b>Committee Members in Attendance</b>  |  |                                  |
|---|--|----------------------------------|
| Bolton: Joss Besse  | Hinesburg: Merrily Lovell                          | St. George:                      |
| Buels Gore:   | Huntington: Darlene Palola                         | Underhill:                       |
| Burlington: James Sherrard  | Jericho: Katherine Sonnick                         | Westford:                        |
| Charlotte:  | Milton: Dave Allerton                              | Williston: Christine Dougherty   |
| Colchester: Karen Adams   | Richmond: Ravi Venkataraman                        | Winooski: Ryan Lambert           |
| Essex: Annie Costandi, Co-Chair   | Shelburne: Chris Robinson                          | VAOT: Jennifer Callahan          |
| Essex Junction: Chelsea Mandigo   | South Burlington: Tom DiPietro,<br>Dave Wheeler    | VANR: Christy Witters            |
| Burlington Airport: Polly Harris<br>(Stantec)   | University of VT: Lani Ravin<br>(arrived ~11:40am) | CCRPC Board: Don Meals, Co-Chair |
| Friends of the Winooski River:  | Lewis Creek Assoc: Kate Kelly                      | Winooski NRCD:                   |
| <b>Other Attendees:</b> DEC: Padraic Monks and Jim Pease, Stone Environmental: Amy Macrelis |  |                                  |
| <b>CCRPC Staff:</b> Dan Albrecht, Chris Dubin, Regina Mahony, Sai Sarepalli                 |  |                                  |

1. **Call to Order.** With the consent of the co-chairs, it was agreed to have Dan Albrecht run the meeting since it was all online. The meeting was called to order by Dan Albrecht at 11:05 a.m. Introductions were made.
2. **Changes to the Agenda and public comments on items not on the agenda** No changes.
3. **Review and action on draft minutes of July 7, 2020** After a brief recap by Dan Albrecht, *Chris Robinson made a motion, seconded by James Sherrard to approve the minutes as drafted. MOTION PASSED with abstention by Polly Harris.*
4. **Briefing on DEC General Permit 3-9050**  
 Padraic Monks provided an overview of the 3 acre permit. This is one of the requirements of the Clean Water Act (Act 64) and is one of the implementation strategies for reducing phosphorus from existing developments in the Lake Champlain TMDL. Goes into effect on December 1, 2020.  
<https://dec.vermont.gov/watershed/stormwater/9050>.  
  
 The general permit covers more than 3-acre sites. Two previous general permits have been replaced by this. The standards for new development and renewal of permits will now be covered by 3-9050, but the standards for these do not change. However, the threshold for new development will be reduced to ½ acre as opposed to the current 1 acre under this permit.  
  
 Regarding 3-acre: any existing parcel with 3 or more acres that does not have a current permit, or pre-dates the 2002 stormwater manual are considered a 3-acre site. Heard quite a bit from folks that they need more time and funding to come into compliance. Sites in the impaired watersheds must obtain permit coverage by October 2023. However, projects that have existing permits that expire after December 1<sup>st</sup> of this year will need to start working with DEC to come into compliance earlier than that. Padriac further explained the standards, impact fees, etc. DEC is focused on building the administrative system. Once the permit is obtained, a site has 5 years to come into compliance.  
  
 The website does identify the 3-acre sites as best as they've been able to identify them. The data they've used to make these determinations are not yet available on the ANR atlas, but they are planning to. Applicants can work with DEC on determinations.

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2 Questions:

- 3 1. What about a >3 acre residential subdivision where the developer is long gone, and there is no  
4 homeowners association in place to deal with this? Christy Witters: We are researching how to direct  
5 those owners to form a Homeowner's association. Padraic Monks: If it is a subdivision it is highly  
6 likely that they are already under a permit. There was a big process to get these into compliance a  
7 number of years ago. They don't currently have that same level of effort right now. But the first step  
8 will be to try to get multi-lot properties organized under a homeowner's association to apply for the  
9 permit.
- 10 2. How does this relate to Act 250 permits? While there is coordination the two permits are not related.  
11 You can't assume an Act 250 permit means that a developments' stormwater is properly managed. It  
12 is more dependent on when the development was permitted in relation to the stormwater regulations  
13 that were established in 2002; and now new developments (or renewals or new 3-acre sites) will need  
14 to meet the new standards under this general permit.
- 15 3. There was a discussion about coordinating between VTrans and some of these private 3-acre sites.
- 16 4. Funding? Committed to have a funding plan in place when came out with the permit; but that plan got  
17 up-ending by the pandemic. They do have some programs going forward: green schools initiative (to  
18 cover design services), and intend to set up similar programs for other groups of land development  
19 (possibly a grouping of subdivisions). They are also contemplating loans (potentially both low interest  
20 and forgiveness).
- 21 5. What is the level of engineering work needed for the Notice of Intent? They haven't fully completed  
22 the forms but it should be relatively straight forward as opposed to a full blown application.
- 23 6. Neighborhood HOA development with the Town as a co-permittee - the original subdivision was  
24 permitted for 3-acre, but it is actually only 2-acres of impervious. They've settled on amending the  
25 permit, and are wondering what data they need to document that. However, the original data comes  
26 from the state and shows that this isn't a 3-acre site; in this case is it really necessary that the HOA and  
27 Town needs to hire an engineer and prove they are under 3-acres? Will the state be making formal  
28 decisions? No, the state won't be making that call. It is up to the property owner's association and  
29 what they want.
- 30 7. Is it required to submit a certain number of days prior to expiration? No, but you don't want your  
31 current permit to expire.
- 32 8. How long with the state take to review the NOI? The NOI kicks off an 18 month period for DEC and  
33 design engineers to work with each other on the full application. It won't be less than 30 days. They  
34 hope it will take approximately 30 to 60 days.
- 35 9. For sites that are on the list that are close to 3-acres. Is it possible to remove some impervious areas to  
36 come under? Yes, it is.

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38 **5. Update on Draft Rule for Clean Water Service Providers**

39 Dan Albrecht explained that he will run through the CWSP rule. Dan asked Committee members to send him  
40 questions as he and Charlie will be attending the Act 76 working group meeting on Friday and can bring the  
41 questions with them.

42  
43 Dan explained that this covers projects that are not required under a permit. Each basin is assigned to a Clean  
44 Water Service Provider and they are required to oversee these non-regulatory projects from start to finish.  
45 Funding is coming from a Water Quality Restoration Formula Grant Program, and the amount will depend on  
46 the annual pollutant reduction goal. CWSP will be formally established in early 2021, but there won't be any  
47 funding until FY23. CWSP's primary responsibilities are to administer these funds and projects. The rule  
48 allows for pre-qualification of engineering firms and the groups that will do these projects. Procurement is still  
49 a little awkward because the DEC procurement is different than what we are used to with VTrans; so that is  
50 still being worked out. Pollutant Reduction Determination and standard costs – these details are all being  
51 worked on by DEC consultants right now. Rule includes the role of the Basin Water Quality Council as  
52 defined in the Clean Water Act. There is still some tension over what the BWQC and what the CWSP does.

1 This is still being worked out. Dan explained that ideally there will be a clear project ranking system so there  
2 won't be much up for debate. The conflict of interest section is still being worked on; it's a little tricky because  
3 many of the organizations who will get this funding and do the work also have seats on the BWQC. This  
4 document will be accompanied by a guidance document as well.

5  
6 There is a back-up CWSP for each basin; CCRPC is the back-up for each basin as we were the only  
7 respondent that said we'd do it.

8  
9 Questions: Are we confident that we will be getting the guidance from the Secretary? Yes, that should be  
10 coming soon. Do you expect to hire more staff? Not at this time and it is unclear how much money will be  
11 included in this program.

12  
13 **6. Updates**

- 14  
15 a. No updates

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17 **7. Items for Tuesday, November 3<sup>th</sup> meeting agenda.**

- 18 a) May have another update on the CWSP.

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20 **8. Adjournment.** The meeting adjourned at 12:27 p.m.

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22 *Respectfully submitted, Regina Mahony & Dan Albrecht*  
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