CHITTENDEN COUNTY REGIONAL PLANNING COMMISSION

MS4 SUBCOMMITTEE

OF CLEAN WATER ADVISORY COMMITTEE – Draft MINUTES

DATE: **Wednesday, March 6th, 2024** **REGULAR MEETING**
SCHEDULED TIME: 12:15 p.m. to 1:30 p.m.
PLACE: online via Zoom
DOCUMENTS: Minutes, documents discussed, and presentations accessible at:
http://www.ccrpcvt.org/meetings/clean-water-advisory-committee/

Committee Members in Attendance (all attending online unless otherwise noted)		
Burlington:	Burlington Airport: Catie Calabrese (EIV)	Williston: Lisa Cicchetti
Colchester: Brett McCreary, Karen Adams	Milton: Lisa Schaeffler	Winooski: Ryan Lambert
Essex: Annie Costandi, co-chair	Shelburne: Shayne Geiger, Chris Robinson	VAOT:
Essex Jct.: Chelsea Mandigo	South Burlington: Marisa Rorabaugh, Dave Wheeler	Univ. of VT: Lani Ravin
Winooski NRCD: Adelaide Dumm, Macie Broussard	VT DEC – Christy Witters, Sam Hughes	
Guests: ; Colleen Miller – EIV, Gianna Petito - DEC		
CCRPC Staff: Dan Albrecht, Chris Dubin, Sai Sarepalli		

1. Changes to the Agenda and Public Comments on Items not on agenda: Adelaide introduced the new conservation specialist named Macie Broussard. Chris Robinson asked about pros and cons of integrating permit discussion ETC. Dan suggested to move the MS4 formula grant discussion up earlier.

2. Review and approval of minutes (Feb 6th,2024) Dan reviewed minutes with *Karen Adams making a motion to approve minutes and Lisa Schaeffler Seconded. Lani Ravin abstained as she did not attend the meeting. Motion passes.*

3) What projects are eligible using our MS4 Community Formula Grants?

Lisa C from Williston – Williston is having trouble getting projects approved under the formula grants. Karen A – which projects specifically? It should be eligible if its in the PCP. Lisa C – some of our ponds are not actually eligible because they wet ponds and they are not a tier 1 or tier 2 project. We had another project that was a retrofit of a dry pond to make it a wet pond which would also not be eligible. Some other projects would need project identification which is also not eligible. Gianna P – would love to hear more about the conflicts with river corridors and if they are insurmountable. We don't have many projects that are starting to move forward. Lisa – we are running out of projects that are in our PCP and FRP and was hoping to use project identification to go back to the drawing board. Chelsea M talked about making updates to their PCP list ahead of resubmittal. Lisa – I am open to adding projects but we haven't started that yet. Marisa R – Have you looked at retrofitting to tier 2 gravel wetland? You should take the existing footprints and make them tier 2.

4) MS-4 / SWMP Permit Requires (Discussion)

Construction Site Inspection Requirements - Lengthy discussion ensued about specific changes to the MS4 permit including but not limited to jurisdiction, enforcement, reporting, ordinances, permit review, etc. The team discussed the challenges and requirements associated with obtaining a construction permit, especially for small MS4s. Christy clarified the EPA's imposed conditions and the administrative burden. Chelsea raised concerns about the confusing nature of the permit requirements, and Christy reassured the team of their support and efforts to push back against some of the demands. The team also discussed the potential of incorporating MS4 requirements into their plan to simplify the process and secure funding. The team agreed to prioritize and create programs that fit their municipalities. The requirements for the Btv project's INDC Permit were also discussed, with Catie, Catie, and Christy further clarifying compliance with the minimum measure

DRAFT

Christy is going to review the language and changes to see what DEC is exempting MS4s from. The team discussed the requirements and complications associated with the MS. 4 permit, which pertains to stormwater management. Christy clarified that the permit stipulates that a new reassessment must be submitted by April 1st, 2028. The conversation revolved around the responsibilities of various entities, including municipalities and homeowners, in complying with the permit. There was a particular focus on the formation of Homeowners Associations and the difficulties in identifying the right owners for the permit. David expressed his disagreement with the state's role in enforcing this permit, suggesting that other MS. 4s manage erosion control without state involvement. Christy acknowledged these points and committed to investigating the issue further.

Municipal Road Standards (aka imbedded MRGP standards)
Chris talked about Vtrans push towards aligning the Town Highway Road and Bridge standards with MRGP standards with respect to things like ditching and stone sizing. DEC is making a lot of new guidance around the MRGP which Chris will look into. Karen asked about the historic requirements of "intermediate progress" of upgrading a certain percentage of assets within a subset period of time in the life of this permit. Chris reiterated his ask from municipalities to review their data in the portal, specifically regarding hydrologically connected outlets, as there are new 'status' options available in the REI reporting application. Chris also stated that we have some REI requests but only 2 came through the UPWP, so we have more capacity for other towns. Chris confirmed with Christy Witters that new REIs need to be completed for MS4 municipalities within every 5 year window of the permit. Christy Witters – the MS4 permit states that a new REI needs to be completed by April 1, 2028

Other - Permit incorporation – Chris Robinson - Looking to roll over sites into MS4 permit but we have a lot of unique situations min both 3 acre and non 3 acre sites. What are the Pros and cons of taking over these sites? Does this change the deadlines for those sites? Chelsea Mandigo stated that Essex Junction will not take any 3 acre sites. Annie Costandi – the town has some 3 acre sites and we are considering. PRO – we aren't going to get much P removal if we have to do retrofits. Karen Adams – we gave people the choice of co-permitee or to roll into MS4 with fees. We would then need to make investments elsewhere. Shayne Geiger – Shelburne has a situation where they are the sole permitee in some cases and would be fully responsible. Karen A – we were already co-permitees.

5) <u>Agenda Items for TUESDAY April 2nd meeting</u>
Chelsea asked if anyone has ideas for the April 2nd meeting to email her, Annie Costandi, and/or Dan Albrecht.

Respectfully submitted, Chris Dubin and Dan Albrecht

DRAFT