

1                                   **CENTRAL VERMONT REGIONAL PLANNING COMMISSION**  
2                                   **CLEAN WATER ADVISORY COMMITTEE**  
3                                   **March 14, 2019**  
4                                   **Meeting Notes**

5  
6   A meeting of the Central Vermont Regional Planning Commission’s Clean Water Advisory Committee  
7   was held on Thursday, March 14, 2019 in the Central Vermont Regional Planning Commission Office.  
8

9   Committee Members Present:

10   Stewart Clark – Worcester Planning Commission  
11   Ron Krauth – Middlesex/Board of Commissioners  
12   Joyce Manchester – Moretown TAC  
13   Amy Hornblas – Cabot/Board of Commissioners  
14   John Hoogenboom – Moretown Selectboard

15  
16   Committee Members Absent:

17   Michele Braun – Friends of Winooski River  
18   Dona Bate – Montpelier City Council  
19   Russ Barrett – Northfield Conservation Commission  
20   Karen Bates – ANR  
21   John Brabant – Calais/Board of Commissioners  
22   Corrie Miller – Friends of the Mad River  
23   Brian Shupe – Friends of the Mad River  
24   Larry Becker- Middlesex Conservation Commission  
25   Gianna Petito - Winooski Natural Resources Conservation District

26  
27   Others Present:

28   Padraic Monks, DEC Stormwater Program Manager  
29

30   **CALL TO ORDER**

31   Pam DeAndrea called the meeting to order at 4:05 PM.  
32   Welcome and introductions  
33

34   **CHANGES OR AMENDMENTS TO THE AGENDA**

35   None.  
36

37   **PUBLIC COMMENTS**

38  
39   Pam – Reminder on Water Wise Woodlands Workshop – Caring for Your Woods Pancake Breakfast.  
40   Twinfield School, Marshfield, Saturday March 30, 9 am – 1 pm.  
41   Learn about woods, wildlife & water with hands on workshops. Spread the word!  
42

43   **3 ACRE GENERAL STORMWATER PERMIT**

44   Padraic Monks from DEC presented on the 3 acre general stormwater permit.  
45

46   Operational permit >1 acre impervious surface  
47

48   Impervious surfaces in Vermont:

49   60,000 acres statewide

50   <10% is regulated  
51

1 TMDL – target 21% reduction of phosphorus from developed lands  
2 Padraic went over the various permits to meet TMDL requirements – new stormwater rule “Stormwater  
3 Permitting Rule. Chapter 22” –goes into effect 3/15/19. – includes the 3 acre general permit and offsets  
4 and impact fees.

5  
6 3 acre General Permit: from Act 64: dictated that all 3 acre sites require a permit. Rule defines a 3 acre  
7 sites as parcels with > 3 acres impervious surfaces that were either permitted before 2002 or never had a  
8 permit.

9  
10 Roughly 1,000 3 acre sites statewide; 2/3 most likely in Champlain basin. List of sites is not out yet, but  
11 will be soon.

12  
13 General permit due in 4 months  
14 Permits for sites in Champlain and Memphremagog are due by 2023  
15 The rest of state is due by 2033

16  
17 Enforcement will be upon DEC Stormwater program. The General Permit will have the dates that  
18 landowners need to apply by to meet the 2023 and 2033 due dates.

19  
20 3 acre requirements include retrofit stormwater site, maximize treatment on site per the VT SW  
21 Management manual.

22 Don't have the flexibility as a new site would – need an Engineering Feasibility Analysis. Don't need to  
23 purchase additional land, pump stormwater, constrict in flood plains or wetlands.

24  
25 Impact fees are included in the rule – this allows for incentives to do the best you can on your site and  
26 pay if you can't treat; provides for equity – everyone contributes.

27  
28 More of the rule:

29 Stormwater impaired waters must meet channel protection volume – fee = \$35,000 per acre of  
30 impervious surface

31 Redevelopment standard (50% water quality volume) – new projects have to treat 100% WQV

32 One-time fee =  $25,000/\text{acre} (\text{required volume} - \text{actual volume})$

33 =  $\$25,000/\text{acre} (50\% - 0\%) = \$12,500/\text{acre}$

34  
35 Stew – is there any opportunity to forbid activities as opposed to permit activities that increase  
36 stormwater?

37 Padraic – they are forbidden in the sense that if they don't meet the standards, they pay. Also new  
38 development have stricter standards.

39  
40 Impact fees go unto a fund if standards not met. Then those fees can be dispersed to those landowners  
41 that exceed the standards. For instance, if you treat more than 3 acres, you can get paid for that acre of  
42 extra treatment through the fund.

43  
44 Impact fees eligible projects – stormwater only; permit obtained.

45  
46 General permit will be due by the DEC 7/1/19 – draft for public comment will be out soon.

47

1 For 3 acre sites: “isolated impervious surfaces” <400 ft<sup>2</sup> – can use BMPs instead of having them  
2 connect to large stormwater system.

3 Same for isolated roads for 3 acre sites. Can follow BMPs in Municipal Road General Permit standards.

4  
5 Rule information: <https://dec.vermont.gov/watershed/stormwater/stormwater-rule-update>

6 Distribution list: DEC will send updates on the rule – Pam will send a request to Padraic to get on the  
7 distribution list.

8  
9 Questions:

10  
11 Ron – what about sites that get cleared and sit and are not actually developed?

12 Padraic – we can only regulate what we have jurisdiction over. They need to have a construction permit  
13 for clearing and need to follow erosion control standards. If it discharges to water quality then we do  
14 have jurisdiction.

15  
16 Padraic - Schools – many of them will be 3 acre sites and DEC will support schools with funding for  
17 meeting the standards.

18  
19 Amy – can you talk about the cost of this and possible bankrupting of businesses?

20 They will have 5 years to comply, so the burden can be spread out over time to help.

21 It will be a difficult conversation with landowners that they will have to pay thousands of dollars if they  
22 cannot treat.

23  
24 Farms are exempt from the 3 acre rule – they are regulated through the Department of Agriculture.

25  
26 Pam – what about 3 acre sites within the river corridor? If the landowner has to treat per the permit but  
27 are in the river corridor, will there be flexibility with the rivers program?

28 Padraic - No, they will have to pay impact fees – won't be able to install stormwater infrastructure in  
29 river corridor.

30  
31 **APPROVAL OF FEBRUARY 21 MINUTES**

32  
33 No quorum could not approve, but will edit Amy's comment.

34  
35 **CWAC – WHERE ARE WE GOING?**

36 **SELECT A COMMITTEE CHAIR?**

37 Pam went over the purpose of the CWAC and what we should be doing here, eg. Basin planning, project  
38 prioritization, education to bring back to other town representatives.

39  
40 Stew – we have been talking about a number of issues, neonics, stormwater, etc. We are taking in a lot  
41 of information but could we be more effective?

42  
43 Ron – this committee is very informative and to the point. How much of this gets beyond us? How much  
44 gets beyond the RPC? Ron thinks this should get beyond our meetings to others. Can we write a  
45 commentary that gets published in media outlets like VT Digger?

46

1 Pam – you should really think about who your audience is before you would publish something. Is it the  
2 Towns, the state, everyone?

3  
4 John – Town selectboard members should hear about these issues as well and he has been bringing  
5 information to his selectboard.

6  
7 The group continued to discuss its purpose and direction as well as wanting to come up with a document  
8 that communicates its position on several topics. Stew agreed to circulate his original email that brought  
9 this discussion out and to work with others to come up with issues and action items.

10  
11 Pam reminded everyone that the Basin Planning process itself was a big effort that has led us into the  
12 phase of project implementation where we can now put projects on the ground. The CWAC was  
13 instrumental in the development of the plan and can serve as the place for prioritizing those projects for  
14 the region, especially if the recently proposed Clean Water Legislation that was talked about in the last  
15 meeting goes through.

16  
17 The CWAC tabled this discussion until the next meeting.

18  
19 **CVRPC CODE OF CONDUCT & CONFLICT OF INTEREST POLICY**

20 **ACKNOWLEDGEMENT**

21 All committee members present signed the acknowledgement form.

22  
23 **SCHEDULE**

24 Next meeting: Thursday, April 11.