Vermont Clean Water Act (Act 64)

Clean Water Commitments

WASTEWATER

Wastewater Treatment Facilities in the Lake Champlain Basin

Of the 59 Vermont wastewater treatment facilities in the Lake Champlain Basin, 25 will need to reduce their wastewater phosphorus loads to meet TMDL allocations according to a permit reissuance schedule that is based on DEC's five-year tactical basin planning schedule. Flexible options to meet the TMDL include:

- Require new or upgrade treatment facilities only when the current phosphorus discharge exceeds 80% of the facility's annual phosphorus allocation.
- Employ annual average phosphorus loading rates (rather than concentration limits) to set TMDL-based discharge permit limits in order to allow operational flexibility in attaining the limits.
- Establish compliance schedules that couple phosphorus upgrades with other planned facility construction projects to enhance cost-effectiveness.
- Support opportunities to reallocate (i.e., trading) phosphorus limits for facilities within the same lake segment watershed as long as total permitted phosphorus discharge remains the same. Discharges in the Main Lake, Burlington Bay, and Shelburne Bay watersheds will be considered to be discharges to the same lake segment for reallocation purposes.

STORMWATER

Municipal Roads General Permit

The new general permit for all municipal roads will go into effect before January 2018, with all municipalities signed up no later than 2021. Municipalities will be "credited" for projects implemented before the permit goes into effect. The general permit will require:

- Practices to reduce erosion and stormwater discharges being generated from roads and drainage systems.
- A management plan to manage implementation to bring roads up to standards over several years. The general permit will not require separate approval for every maintenance activity or upgrade.
- A $400 application fee for permit coverage and a $2,000 annual operating fee (based on current fee statute, subject to change).
- New roads will likely continue to be permitted as they are now and will be consistent with the VTrans Road and Bridge standards.

Municipal Separate Storm Sewer System (MS4) General Permit

Municipalities that have municipal separate storm sewer system (MS4) permits will require a new MS4 general permit. New components to the permit include:

- Long-range phosphorus control plans similar to the "flow restoration plan" requirements for municipalities with stormwater-impaired waters. Municipal road management requirements will be incorporated into the MS4 permit; separate permit coverage will not be required.
- Implementation plans for stormwater best management practices (BMPs) to reduce phosphorus in conformance with the Champlain TMDL.
- Application fee: $2,400; annual operating fee: $10 per acre annual operating fee.

The reissuance process for the MS4 permit will start in 2017. Regulated MS4s will be notified and included in the stakeholder process.

Municipally Owned Developed Land Permit

What's required?

- All municipal sites with 3 or more acres of impervious surface, including municipal properties, will require a new developed land permit.
- If a site does not have a stormwater system designed to 2002 or more current standards, it will need to implement stormwater management practices.
- Smaller sites may be subject to the same requirement if necessary to implement the Lake Champlain TMDL, or stormwater TMDLs.
- Application fee: $860 per acre of impervious surface; annual operating fee: $160 per acre impervious surface.

The developed land general permit must go into effect before January 2018, with all projects in the Champlain basin under a permit by 2023, and the rest of the state under a permit by 2028.

CONSTRUCTION

New Municipal Projects Construction Standards

DEC is in the process of revising its Stormwater Manual and Stormwater Rules. The Manual and Stormwater Rules revisions will both go through the formal APA rulemaking process and municipalities will be invited to participate in rulemaking meetings and public comment processes.

Timeline for Municipalities

	ACTIVITY	MUNICIPAL OBLIGATIONS	TIMELINE
WASTEWATER	Wastewater Treatment Facilities (WWTFs)	Reductions from currently permitted phosphorus loads at 25 of 59 facilities in the Lake Champlain Basin.	Vermont DEC will issue wastewater discharge permits incorporating the new phosphorus allocations according to the five-year tactical river basin planning schedule (2016-2020).
STORMWATER	Municipal Roads General Permit www.watershedmanagement.vt.gov/stormwater/hm/sw_municipalroads.htm	Implementation of practices to reduce erosion and stormwater discharged generated from roads and drainage systems.	The general permit must go into effect before January 2018, with all municipalities signed up no later than 2021.
	Municipal Separate Storm Sewer System (MS4) Permit	MS4 municipalities will develop long-range phosphorus control plans following the reissuance of this permit.	The reissuance process for the MS4 permit will commence in 2017.
	Stormwater Permits for Municipally Owned Developed Land	VT DEC's Stormwater Program will be developing a general permit applicable to all sites with 3 or more acres of impervious surface, including municipal properties.	The general permit must go into effect before January 2018, with all projects in the Champlain basin under a permit by 2023, and the rest of the state under a permit by 2028.
CONSTRUCTION	Stormwater Permits for New Municipal Projects	No change. Reported to Legislature in 2016 lowering the threshold for new projects from 1 acre to ½-acre of impervious surface.	
	Stormwater Planning http://dec.vermont.gov/sites/dec/files/wsm/erp/docs/SWMPFinal6-23-16.pdf	No change. Towns are encouraged to seek grant funding for stormwater planning, which can be used in tactical basin plans.	

Providing Time, Flexibility and Support to Meet Requirements of the Act 64

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VERMONT CLEAN WATER INITIATIVE

VERMONT