

1 H.576

2 Introduced by Representative Deen of Westminster

3 Referred to Committee on

4 Date:

5 Subject: Conservation and development; water pollution control; stormwater;
6 three-acre legacy permit

7 Statement of purpose of bill as introduced: This bill proposes to amend the
8 requirement that the Secretary of Natural Resources issue a general permit for
9 discharges of stormwater from impervious surface of three or more acres in
10 size, when the stormwater discharge previously was not permitted or was
11 permitted under an individual permit or general permit that did not incorporate
12 the requirements of a stormwater management manual issued after 2002. The
13 bill would direct the Secretary to establish criteria by which the Secretary shall
14 prioritize the permitting of parcels. The bill would also amend the schedule for
15 permitting. In addition, the bill provides that stormwater offsets and
16 stormwater impact fees may be completed or assessed for discharges of
17 phosphorus to Lake Memphremagog or a water that contributes to the
18 impairment of Lake Memphremagog.

19 An act relating to stormwater management

1 It is hereby enacted by the General Assembly of the State of Vermont:

2 Sec. 1. 10 V.S.A. § 1264 is amended to read:

3 § 1264. STORMWATER MANAGEMENT

4 * * *

5 (b) Definitions. As used in this section:

6 * * *

7 (8) “Offset” means a State-permitted or -approved action or project
8 within a stormwater-impaired water, Lake Champlain, Lake Memphremagog,
9 or a water that contributes to the impairment of Lake Champlain or the
10 impairment of Lake Memphremagog that a discharger or a third person may
11 complete to mitigate the impacts that a discharge of regulated stormwater
12 runoff has on the stormwater-impaired water, or the impacts of phosphorus on
13 Lake Champlain; or on a water that contributes to the impairment of Lake
14 Champlain.

15 * * *

16 (11) “Stormwater impact fee” means the monetary charge assessed to a
17 permit applicant for the discharge of regulated stormwater runoff to a
18 stormwater-impaired water or for the discharge of phosphorus to Lake
19 Champlain, Lake Memphremagog, or a water that contributes to the
20 impairment of Lake Champlain or the impairment of Lake Memphremagog in
21 order to mitigate a sediment load level, hydrologic impact, or other impact that

1 the discharger is unable to control through on-site treatment or completion of
2 an offset on a site owned or controlled by the permit applicant.

3 * * *

4 (g) General permits.

5 (1) The Secretary may issue general permits for classes of stormwater
6 runoff that shall be adopted and administered in accordance with the provisions
7 of subsection 1263(b) of this title.

8 * * *

9 (3) On or before January 1, ~~2018~~ 2019, the Secretary shall issue a
10 general permit under this section for discharges of stormwater from impervious
11 surface of three or more acres in size, when the stormwater discharge
12 previously was not permitted or was permitted under an individual permit or
13 general permit that did not incorporate the requirements of the 2002
14 Stormwater Management Manual or any subsequently adopted Stormwater
15 Management Manual. Under the general permit, the Secretary shall:

16 (A) Establish criteria by which the Secretary shall prioritize the
17 permitting of parcels under this subdivision (3). The Secretary shall base the
18 criteria on the water quality impacts of the stormwater discharge from the
19 parcel; the location of the parcel, including whether it is located in an impaired
20 watershed; whether the permitting will occur as part of planned

1 redevelopment; and other factors the Secretary deems relevant in order to
2 improve water quality.

3 (B) Establish a schedule for implementation of the general permit by
4 geographic area of the State according to the priority criteria under subdivision
5 (A) of this subdivision (3). The schedule shall establish the date by which an
6 owner of impervious surface shall apply for coverage under this subdivision
7 (3) of this section. The schedule established by the Secretary shall require an
8 owner of impervious surface subject to permitting under this subdivision to
9 obtain coverage by the following dates:

10 (i) for impervious surface located within the Lake Champlain
11 watershed or the Lake Memphremagog watershed, no later than on or before
12 October 1, 2023; and

13 (ii) for impervious surface located within ~~all other watersheds of~~
14 ~~the State, no later than October 1, 2028~~ the Connecticut River watershed, not
15 later than one year after the U.S. Environmental Protection Agency issues a
16 wasteload allocation for stormwater runoff from developed lands in the
17 Vermont portion of the nitrogen total maximum daily load plan for Long
18 Island Sound.

19 (B)(C) Establish criteria and technical standards, such as best
20 management practices, for implementation of stormwater improvements

1 for the retrofitting of impervious surface subject to permitting under this
2 subdivision (3).

3 ~~(C)~~(D) Require that a discharge of stormwater from impervious
4 surface subject to the requirements of this section comply with the standards of
5 subsection (h) of this section for redevelopment of or renewal of a permit for
6 existing impervious surface.

7 ~~(D)~~(E) Allow the use of stormwater impact fees, offsets, and
8 phosphorus credit trading within the watershed of the water to which the
9 stormwater discharges or runs off.

10 * * *

11 (h) Permit requirements. An individual or general stormwater permit shall:

12 (1) Be valid for a period of time not to exceed five years.

13 (2) For discharges of regulated stormwater to a ~~stormwater-impaired~~
14 stormwater-impaired water, for discharges of phosphorus to Lake Champlain
15 or Lake Memphremagog, or for discharges of phosphorus to a water that
16 contributes to the impairment of Lake Champlain or Lake Memphremagog:

17 (A) In which no TMDL, watershed improvement permit, or water
18 quality remediation plan has been approved, require that the discharge shall
19 comply with the following discharge standards:

20 (i) A new discharge or the expanded portion of an existing
21 discharge shall satisfy the requirements of the Stormwater Management

1 Manual and shall not increase the pollutant load in the receiving water for
2 stormwater.

3 (ii) For redevelopment of or renewal of a permit for existing
4 impervious surface, the discharge shall satisfy on-site the water quality,
5 recharge, and channel protection criteria set forth in the Stormwater
6 Management Manual that are determined to be technically feasible by an
7 engineering feasibility analysis conducted by the Agency, and the discharge
8 shall not increase the pollutant load in the receiving water for stormwater.

9 (B) In which a TMDL or water quality remediation plan has been
10 adopted, require that the discharge shall comply with the following discharge
11 standards:

12 (i) For a new discharge or the expanded portion of an existing
13 discharge, the discharge shall satisfy the requirements of the Stormwater
14 Management Manual, and the Secretary shall determine that there are
15 sufficient pollutant load allocations for the discharge.

16 (ii) For redevelopment of or renewal of a permit for existing
17 impervious surface, the Secretary shall determine that there are sufficient
18 pollutant load allocations for the discharge, and the Secretary shall include any
19 requirements that the Secretary deems necessary to implement the TMDL or
20 water quality remediation plan.

1 (3) Contain requirements necessary to comply with the minimum
2 requirements of the rules adopted under this section, the Vermont water quality
3 standards, and any applicable provision of the Clean Water Act.

4 Sec. 2. EFFECTIVE DATE

5 This act shall take effect on passage.