



# Stormwater Three-Acre Sites General Permit 3-9050

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Testimony to House Corrections and Institutions Committee

April 4, 2024

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# Presentation Outline

- Background and Overview
- What is a Three-Acre Site
- What is Required
- Response from Regulated Community

# Vermont Clean Water Act (Act 64 of 2015) “All-in for Clean Water”

**Act 64:** ANR to update rule and develop general permit for

- Discharges of stormwater from existing impervious surface of 3 or more acres (DEVELOPED LANDS)
- Previously were unpermitted or permitted prior to 2002
- For TMDL implementation

## Stormwater Permitting Rule: "3-acre site" Requirements

- Rule and General Permit 3-9050, standards and timeline
- Owners of 3-acre sites, including multi-lot developments subject to prior permit, required to get new stormwater permit coverage no later than 2023
- Stormwater treatment practice construction required no later than 5 years from permit authorization, when new treatment is applicable



# Example: Lake Champlain Phosphorus TMDL

All-in approach: All land use sectors require phosphorus reductions to meet target.

**Developed Lands** reductions will come from several stormwater regulatory programs, including municipal and state road requirements and **3-acre site requirements**.

Figure source: 2016 Lake Champlain TMDL

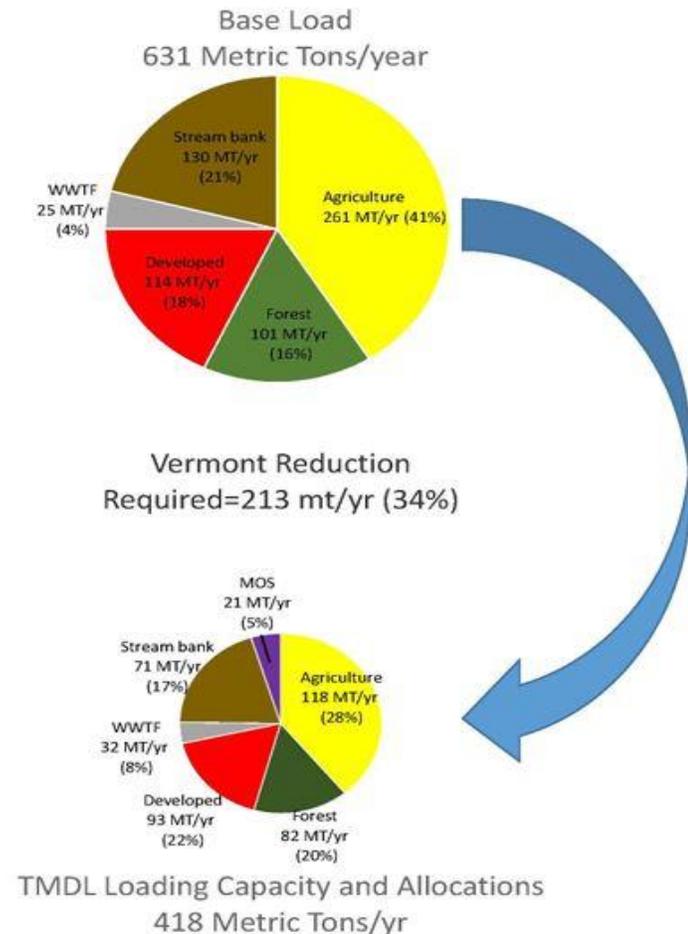


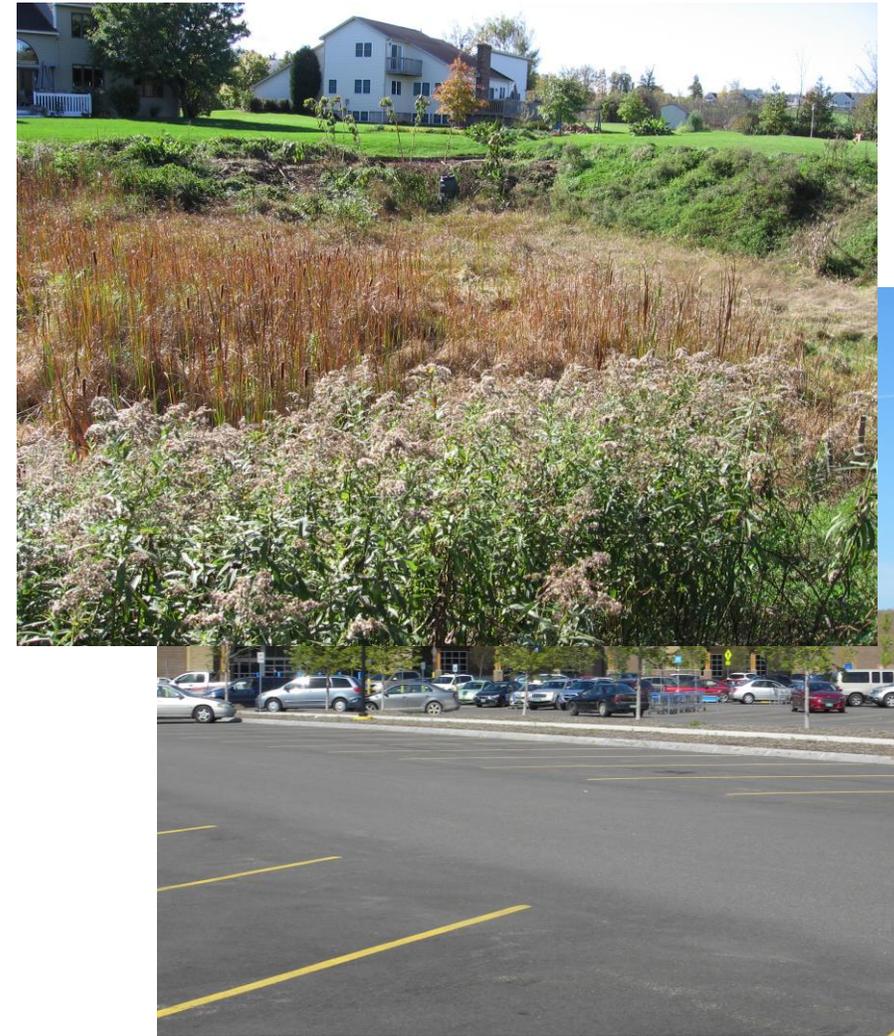
Figure 7: Vermont Lake Champlain base phosphorus loads, 2001-2010, compared to Vermont Lake Champlain TMDL loading capacity and allocations, by sector, in MT/yr

Sources: Data for base loads are from TetraTech, 2015a



# What is a 3-acre site?

- Site with impervious surface of three or more acres that:
  - has never had an operational stormwater permit, or
  - was permitted to standards in place prior to the 2002 Stormwater Management Manual
- Communication from Watershed Management Division
  - Listed on the 3-acre list or otherwise notified



# What is required?

- Submit Notice of Intent (NOI) for coverage under Stormwater General Permit 3-9050
  - Applicant
    - Landowner(s), including municipality if co-owner, and
    - Owner's association or common entity for multi-lot developments
  - Application fee (3 VSA 2822)
  - Engineering Feasibility Analysis (EFA)

# What is the EFA?

For impervious surfaces that do not meet 2002 or later stormwater treatment standards

- The EFA will identify opportunities on site to improve treatment through new or modified best management practices (BMPs) for:
  - Phosphorus reduction (Lake Champlain / Lake Memphremagog)
  - Flow reduction (stormwater-impaired streams)
- Construction of identified BMPs within 5-years of permit issuance



# Unable to meet new standards?

- Stormwater Impact Fee, scaled based on treatment level achieved
- Funds other projects that are able to exceed standards, or otherwise provide additional treatment in watershed
- Sites cannot choose to pay Impact Fee in lieu of completing EFA and retrofit, when determined feasible
- All 3-acre sites are still subject to permit, regardless of EFA outcome

# Response from Regulated Community

- Approximately 50% of sites have applied for or obtained permit coverage
- Some landowners, including municipalities, have applied for funding for permit obtainment assistance
- Some challenges have included:
  - Permit awareness
  - Site constraints
  - Coordination among landowners and towns
  - Permit application and engineering costs
  - Planning for anticipated construction costs



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