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1. **Perspective & Timeline – stormwater regulations are still young, evolving and they keep on coming**

In 2002 (12 yrs ago) this agency started moving in a new direction in response to new and anticipated stormwater regulations addressing varied stormwater concerns and involving varied land areas/sites. All 6 permits impact VTrans. Some we need to build projects (A&B) and others (C-F) we comply with for existing developed lands. Most are from the EPA National Pollutant Discharge Elimination System (NPDES) Programs (Clean Water Act).

A. **State Stormwater Discharge Permit (SDP) in 2002** (note: stormwater was regulated pre 2002)

- i. Statewide/project specific for new/reconstructed impervious surfaces
- ii. Requires new permanent stormwater treatment and retrofits that meet State Stormwater Manual
- iii. 10-15 VTrans projects per year need this permit

B. **NPDES Construction Stormwater Permit (CGP) in 2004**

- i. Statewide/project specific for temporary earth disturbance/construction
- ii. Requires design/construction of temporary erosion prevention & sediment control practices
- iii. 30 VTrans projects per year need this permit

C. **NPDES Multi-Sector Industrial Stormwater Permit (MSGP) in 2007**

- i. Site specific by facility type for industrial stormwater runoff and source control
- ii. Requires facility audits, training, new and retrofit treatment and water quality testing
- iii. Transportation Sectors impacted include Airports, Gravel Pits, and Public Transit & Rail Facilities

D. **NPDES Municipal Separate Storm Sewer (MS4) in 2003 with new provisions & expanded area in 2012**

- i. Watershed specific/not statewide
- ii. Requires public education/participation, SDP /CGP compliance, asset mapping/management, illegal connection/non-stormwater discharge prohibition into State ROW, MSGP activities for transportation garages, water quality monitoring, TMDL compliance, technical assistance, more...
- iii. VTrans is subject to this permit in 15 watersheds including transportation infrastructure in multiple communities (Burlington, Colchester, Essex Town, Essex Jct, Shelburne, So. Burlington, Williston, Winooski, St. Albans City & Town, Rutland City & Town).

E. **NPDES Total Maximum Daily Load (TMDL) in 2001/ongoing**

- i. Watershed specific (implementation under MS4 or RDA)
- ii. Requires collaborative design/construction/maintenance of new & retrofit stormwater treatment.
- iii. TMDLs are issued to address the pollutant of concern or stressors (e.g. phosphorus, nitrate, E. coli, etc...).
- iv. Vermont's TMDLs use stormwater as a surrogate as it represents a combination of stressors.
- v. TMDLs vary for River/Streams, Ponds, Lakes....all have their own set of requirements, some overlap.

F. **NPDES Residual Designation Authority (RDA) in 2009**

- i. Watershed and parcel specific
- ii. Used to implement TMDL or achieve watershed restoration for those lands not subject to NPDES
- iii. VTrans is not subject to any RDA at this time due to our NPDES MS4 permit

TAKE HOME MESSAGE regarding Perspective & Timeline

Over the past 12 years we have come to find that these permit programs:

- 1) Cause inefficiencies, uncertainty, project delays and costly project design processes. Compliance is challenging under current resource levels.
- 2) Do not recognize the unique nature of the Transportation Sector.
- 3) Create overlapping inspections and reporting requirements that cause duplicative efforts and resource burdens.

2. **VTrans response to these permits over the past 12 years resulted in new positions & increased expenditures:**
- A. 2003 – New Position - PDD Construction Environmental Engineer (CEE) for Construction GP
 - B. 2006 – New Position - PDD Assistant CEE for Construction GP
 - C. 2007 – Transferred Position from PDD to Operations – Stormwater Coordinator for SDP/MS4/TMDL/MSGP
 - D. 2010 – Formed OPS Environmental Program to include HazMat and Vegetation Management – source control
 - E. 2012 – New Position in OPS Environmental “Stormwater Technician” for SDP/MS4/TMDL/MSGP
 - F. 2014 – Working on reclassifying the OPS Landscape Coordinator Position to a 2nd OPS Stormwater Tech Position
 - G. Internal Operating Procedures, Policy, Best Management Practices and training targeting water quality
 - H. WQ Partnerships & ANR Collaboration on all programs looking to gain efficiencies (includes Municipalities)
 - I. Increased funding directed at water quality (Federal Work Programs and State Funding)
 - J. There is more.....

TAKE HOME MESSAGE regarding VTrans Response

- 1) VTrans response over the past 12 years to growing stormwater regulations requires an ongoing investment and high level of training and education, internal collaboration, commitment of resources and financial support, and collaboration with municipalities and ANR.
- 2) Our response has been targeted and directly related to the growing need to address increasing and more complicated stormwater regulations.
- 3) We have been successful in maintaining compliance under all stormwater programs sometimes at the cost of efficient project delivery, operation and maintenance activities and inspection/reporting.

3. **Regulatory Outlook – keeping with the trend there is more coming**

ANR is expecting changes to existing stormwater regulations, expanding areas of jurisdiction and new regulations in response to ANR/EPA’s desire to do more to clean up polluted waters (Lake Champlain/Long Island Sound/others). What is coming is expected to result in the largest geographical area and amount of transportation infrastructure subject to a Federal Permit. We need to find a more efficient way to address the Transportation Sector under this regulator outlook.

Possibilities for the next era of SW regulations (1 to 5 yrs out) include:

- A. More and expanded coverage under MS4 & TMDL
- B. Lake Champlain TMDL re-issuance by EPA (reasonable assurances to include regulating roads and existing developed lands and increased MS4 limits, and more) – David Mears (Commissioner VT DEC) has testified
- C. Lower permit threshold under State Stormwater Discharge Permit. Would require more projects obtain permits
- D. Chloride TMDL regulating use of winter salts
- E. Long Island Sound TMDL regulating nitrogen

TAKE HOME MESSAGE regarding regulatory outlook

- 1) Moving forward we expect this will result in multiple permits types covering various geographical areas and sites across the state with varying degree and schedules for inspection, reporting and maintenance activities.
- 2) This will increase administrative burdens, cause inefficiencies, and increase program compliance costs and resource needs.
- 3) VTrans and ANR have been collaborating over the past year on a comprehensive statewide approach that may offer a means to more proactively manage and address the number and types of stormwater permit programs that are coming to avoid the expected increased administratively burdensome, inconsistent, costly and chaotic processes that may follow.
- 4) A new direction (AASHTO supported and DOT tested) – statewide transportation stormwater permitting to include all stormwater permits is a real possibility and is being proposed under the updated Lake Champlain TMDL. VTrans has been discussing this with ANR for the past year trying to better understand this concept and its implications to our programs.

4. Lake Champlain TMDL (open discussion about proposed compliance measures)

A. Stormwater:

- 1) Statewide Transportation Specific Stormwater Permit
- 2) Municipal Roads Permit (both paved and gravel)
- 3) Existing Developed Lands – increased regulation
- 4) MS4-like requirements for areas not covered under MS4
- 5) Green Stormwater Infrastructure

B. Other:

- 1) Ag Accepted Practices and run-off control
- 2) River Corridor Stabilization and Flood Plain Protection
- 3) Forest management accepted practices
- 4) Watershed protection and restoration programs

My testimony today was intentionally focused on those regulatory programs in place, our response to those programs and what we expect the regulatory outlook will mean for the transportation sector. Note, there is a much more in depth conversation we can have about all those things VTrans does to benefit water quality that are not be addressed today. I am happy to come back should the Committee find the need.