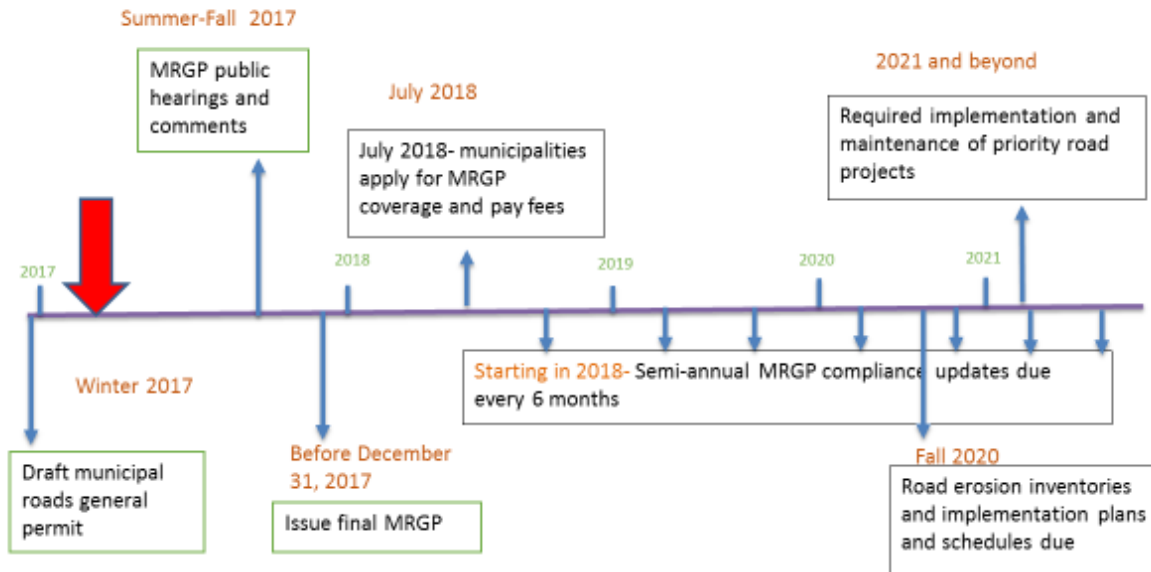


MRGP Timeline of Deliverables 2017-forward



VT DEC Municipal Roads Program

Summary Sheet: Developing the Municipal Roads General Permit

This general permit is intended to achieve significant reductions in stormwater-related erosion from municipal roads, both paved and unpaved. Municipalities will implement a customized, multi-year plan to stabilize their road drainage system. The plan will include bringing road drainage systems up to basic maintenance standards, and additional corrective measure to reduce erosion as necessary to meet a TMDL or other water quality restoration effort. The permit is required by Act 64, the Vermont Clean Water Act, and the Lake Champlain Phase I TMDL.

For more information on the DEC Municipal Roads program and the development of the Municipal Roads General Permit, contact Jim Ryan at (802) 490-6140 or via email at jim.ryan@vermont.gov.

Updated information can also be found on the program's website at:

<http://dec.vermont.gov/watershed/stormwater/permit-information-applications-fees/municipal-roads-program>

Requirements for Existing Roads

- As a first step municipalities will inventory the sections of their road networks that are hydrologically-connected to surface waters through ditches, culverts or other drainage structures. Hydrologically-connected roads present substantially greater risks to water quality. A map layer of hydrologically-connected municipal road segments is available at: <http://anr.vermont.gov/maps/nr-atlas>
- The second step will be developing Implementation Plans that will prioritize road segment remediation work to bring non-complying road segments up to MRGP standards. Implementation Plans will include current MRGP compliance status (whether individual road segments meet standards), and itemized list of practices needed to bring non-meeting segments up to standards, and remediation schedules. Towns will submit Semi-Annual Compliance Reports summarizing progress in implementing measures on hydrologically-connected road segments. Standards will likely include measures such as:
 - Grass and stone-lined drainage ditches, stone check-dams, sheet flow infiltration, and/or disconnect road stormwater inputs
 - Ditches and turnouts disconnected from surface waters where possible
 - Road crowning
 - Upgrading road drainage culverts and installing outlet stabilization and/or headwalls where erosion is present

- Soils exposed by maintenance would be seeded and mulched or otherwise stabilized
- Catch basin outlets stabilized
- Municipal Sand Piles- no erosion or sediment conveyance to adjacent waters
- Class 4 roads that are adversely affecting water quality may require the installation of best management practices to reduce severe (gully) erosion, but will not be required to be open to travel as part of this permit.
- In-Culverts and bridges:
 - No new requirements to replace perennial stream crossings, but other conveyances and intermittent stream culverts will be covered by the permit and may require upgrades or retrofits.
 - Maintenance and construction activities would continue to conform to the ANR Stream Alteration General Permit.

Requirements for New Projects

- Designed to Vermont Stormwater Manual if over permit threshold of 1 acre impervious surface, or >5,000 square foot expansion

Permit Process and available resources to assist municipalities

- 2016: stakeholder process to develop permit and standards
- Before January 2017: draft general permit
- Before January 2018: final permit
- Commencing with permit coverage, 2018 and beyond: municipalities apply for permit coverage, conduct road erosion inventories for hydrologically-connected road segments, and develop and implement road stormwater management plans and schedules.
- Technical and Financial assistance is available from DEC and VTrans. Technical assistance is also available from regional planning commissions, natural resource conservation districts, and others. A new series of *Municipal Road Round Table Forums* has been launched by VTrans and DEC for a road foremen-to-foremen exchange of ideas of selecting the most appropriate BMPs to remediate erosion and discuss equipment needs and operation. Additional grant funding is available to municipalities to conduct road erosion inventories, implement best management practices, and to purchase shared equipment.

VT DEC Municipal Roads Program

Questions & Answers

- 1. Will the DEC Municipal Roads Stormwater General Permit (MRGP) apply to the entire state or to the Lake Champlain basin?** The DEC Municipal Roads General Permit will cover the entire state and result in improvements in water quality and aquatic habitat statewide. Addressing sediment and nutrient sources from municipal roads will also reduce phosphorus loads to Lake Champlain and other waters in the state, such as Lake Memphremagog. The Implementation schedule will be determined during the permit development process.
- 2. Will the DEC Municipal Roads Stormwater GP cover paved and gravel roads?** Yes, the Municipal Roads GP will cover all municipal road systems, paved and gravel, but the MRGP Standards will only be applicable to hydrologically-connected roads. The hydrologically-connected road layer can be accessed by using the following steps:
 - <http://anr.vermont.gov/maps/nr-atlas>
 - Open up the Quick Tools and enter your town name
 - Open up the layers icon
 - Open up the Watershed Protection layer
 - Scroll down to the Hydrologically-connected road layer and open that box
- 3. Is there technical assistance available for municipalities in identifying high priority road erosion segments and determining appropriate solutions?** Yes, technical assistance will be available for towns from a number of different organizations including DEC, VTrans, regional planning commissions, and other organizations. DEC and VTrans are currently developing enhanced trainings for road foremen and others to inventory and prioritize road erosion sites and have developed a new series of trainings called *Road Roundtable Forums*, this is in addition to the existing DEC-VTrans *Rivers-Roads Trainings* for VTrans and municipal road crews. Municipalities will be made aware of available trainings.
- 4. Will the new Municipal Roads Stormwater Standards be consistent with current VTrans Road and Bridge Standards? How will they be different?** The BMPs that are developed as part of the Municipal Roads Stormwater GP will be consistent with the *Road and Bridge Standards*, although the geographic applicability of practices may differ. For example, the MRGP will only apply to hydrologically-connected road segments while the VTrans Road and Bridge Standards usually apply town-wide. The existing VTrans *Road and Bridge Standards* will remain in place until the MRGP is fully implemented. A map layer of hydrologically-connected municipal road segments is available at:

<http://anr.vermont.gov/maps/nr-atlas>

5. **Will culvert replacements be required in the new DEC Municipal Roads Stormwater GP?** Replacement or stabilization retrofits will apply to eroding road drainage culverts and driveway culverts located within municipal right-of-ways as part of the new GP. In-stream culvert and bridge replacements of perennial streams will not be required in this permit. Culvert headwall erosion and/or culvert outlet scour, for both drainage culverts and driveway culverts, maybe included in the new GP if they are identified as significant sources of erosion.
6. **How long will towns have to implement their roads stormwater management plan?** Municipalities will be required to develop a *Road Stormwater Management Plan (RSWMP)*. The RSMPs will included two components; a comprehensive *Road Erosion Inventory* of hydrologically-connected road segments and associated *Implementation Plan and Schedule*. *Implementation Plan and Schedule* will be based on the water quality impacts of a stormwater discharge, the current state of a municipal road, the priority of a municipal road in any existing transportation capital plan, and the benefits of the stormwater improvement to the life of the municipal road. The priority of the *Implementation Plan* shall be to bring non-complying road segments up to *MRGP Standards* as soon as possible, but not to exceed 20 years. Some towns will be required to implement measures on a faster time schedule.
7. **Will there be funding to assist municipalities in implementing road restoration practices?** Yes, additional funding will be available from VTrans and DEC to implement restoration practices on high priority road erosion segments through programs such as the *Better Backroads grant* from VTrans or *Ecosystem Restoration grant* program from DEC. Municipalities will likely have to contribute a portion of the total cost or in-kind measures.
8. **Will the DEC Municipal Roads Stormwater GP be required for municipalities that are already authorized under the Municipal Separate Storm Sewer System (MS4) Permit?** No, MS4 communities will not have to apply for the Municipal Roads GP. The MS4 permit will be amended to incorporate the road requirements, with the goal of simplifying implementation and reporting requirements for MS4s.
9. **Will the DEC Municipal Roads GP apply to all Classes of municipal roads including Class 4 roads?** Yes, the Municipal Roads Stormwater GP will apply to all Classes of municipal roads. Management options for Class 4 roads will be included in the GP but best management practice implementation will be more limited in scope than more regularly traveled roads. *More on the MRGP and Class 4 roads below.*

Class 4 MRGP Requirements and Title 19

The Municipal Roads General Permit (MRGP) does not affect a municipality's discretion to maintain a class 4 for purposes of Title 19. In short, Title 19 deals with the navigability of these highways, or the ability of vehicles to use those roads. The MRGP fulfills statutory requirements to address stormwater discharges from those roads.

State statute addressing town highways, Title 19, deals with the navigability of those highways. Under this statute towns have discretion to decide to what extent they maintain class 4 roads, effectively allowing a town to decide *not* to keep a class 4 road in sufficient repair so as to be negotiable by a car. Stormwater statute, Section 1264 of Title 10, on the other hand does not deal with the "negotiability" of roads; it deals with the reduction of stormwater runoff. The MRGP imposes new regulatory standards, unrelated to the safety of the traveling public. As such, stormwater statute does not require towns to make class 4 roads negotiable by vehicles year-round, which might undermine towns' discretion under Title 19. Instead it imposes technical standards intended to reduce stormwater runoff from municipal roads.

The current draft MRGP standard for Class 4 roads is to address gully erosion, the severest form of erosion, on hydrologically-connected road segments. The MRGP standard for Class 4 roads does not require road grading and crowning, drainage ditch installation, or removal of grader berm practices unless there is severe erosion noted during the road erosion inventory. By comparison, the MRGP Class 3 standards require the installation of these practices proactively. 10 V.S.A. § 1264(g)(2)(A)(ii). Whether a town conducts maintenance on a class 4 road for the purpose of keeping the road negotiable for vehicles is unrelated to the requirement that a town comply with the conditions of the MRGP, for the purpose of reducing stormwater runoff.