



February 14, 2017

Rep. David Deen, Chairman  
House Natural Resources, Fish & Wildlife Committee  
State House  
Montpelier, VT 05609

RE: Proposed H39 Storm Water Bill

Dear Chairman Deen:

We are writing to provide comments on House Bill 39, which proposes a reduction in the impervious surface threshold for which a State Stormwater Discharge Permit would be required. Many steps have already been taken to improve water quality, and in some cases, the returns have yet to be fully realized. Lowering the impervious threshold from 1 acre to 0.5 acre is un-necessary. The following summarizes a few of the measures that are already in place to protect and improve stormwater quality:

- The current Stormwater Treatment Standards went into effect in July 2005. While nearly 12 years may have passed, we are just now seeing the corresponding improvements to water quality. Time is required for a project to successfully navigate the permitting process, and then commence and complete construction. The recession that began in 2008 and continued for several years also had a substantial delay on construction of new projects that were permitted under the 2005 Stormwater Treatment Standards. All of these factors have affected the results of the Stormwater Treatment Standards on stormwater quality. Nevertheless, the 2017 Vermont Stormwater Management Manual Rule was recently approved, and will become effective July 1.
- Although many stormwater improvement projects have been undertaken by municipalities in recent years, most are just beginning the implementation of flow restoration plans for stormwater impaired streams. These flow restoration plans involve both upgrading existing stormwater systems and constructing new management systems for existing untreated impervious surfaces. Through the Municipal Separate Storm Sewer System Permits, additional stormwater improvement projects will be undertaken to further improve water quality.
- The implementation of the Act 64 requirement to regulate existing un-permitted projects having 3 acres or more of existing impervious surface has yet to occur. This permitting requirement is not scheduled to occur until 2018, with the actual improvements to water quality to follow the design, permitting, and construction of new or improved stormwater management systems.

Given the number of measures that are currently in place to protect and improve water quality, we feel that it is currently un-necessary to lower the threshold for projects subject to a State Stormwater Discharge Permit.

Thank you for the opportunity to comment.

Sincerely,



Andrew Rowe P.E.