

1 Introduced by Representative Deen of Westminster

2 Referred to Committee on

3 Date:

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

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

18 An act relating to stormwater management

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

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

1 § 1264. STORMWATER MANAGEMENT

2 * * *

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

4 * * *

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

13 * * *

14 (11) “Stormwater impact fee” means the monetary charge assessed to a
15 permit applicant for the discharge of regulated stormwater runoff to a
16 stormwater-impaired water or for the discharge of phosphorus to Lake
17 Champlain, Lake Memphremagog, or a water that contributes to the
18 impairment of Lake Champlain or the impairment of Lake Memphremagog in
19 order to mitigate a sediment load level, hydrologic impact, or other impact that
20 the discharger is unable to control through on-site treatment or completion of
21 an offset on a site owned or controlled by the permit applicant.

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(g) General permits.

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

* * *

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

(A) Establish criteria by which the Secretary shall prioritize the permitting of parcels under this subdivision (3). The Secretary shall base the criteria on the water quality impacts of the stormwater discharge from the parcel; the location of the parcel, including whether it is located in an impaired watershed; whether the permitting will occur as part of planned redevelopment; and other factors the Secretary deems relevant in order to improve water quality.

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

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

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

17 ~~(B)~~(C) Establish criteria and technical standards, such as best
18 management practices, for implementation of stormwater improvements
19 for the retrofitting of impervious surface subject to permitting under this
20 subdivision (3).

