

**Town of Williston Stormwater Program Testimony to the
House Committee on Natural Resources, Fish, and Wildlife on Bill S.260**

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James Sherrard Jr., Stormwater Coordinator, Town of Williston

The Town of Williston is one of four Municipal Stormwater Utilities and one of fifteen Municipal Separate Storm Sewer Systems (MS4's) in Vermont. While the MS4's have chosen to fund stormwater requirements in varying ways (i.e. rate payers through a utility or through the tax base) each and every MS4 commits substantial time, effort and funding towards water quality related efforts.

S.260 focuses on the concept of introducing a Clean Water Authority (CWA) which is, in essence, a state-wide stormwater utility whose sole purpose shall be to finance the remediation, improvement, and protection of the quality of the waters of the State. Given town staffs experience implementing a local Vermont stormwater utility the Williston Stormwater Program submits the following comments for your consideration.

- Vermont Clean Water Authority Board of Directors: Of the five board members the three required categories of expertise include finance, ecosystem restoration, and agricultural water quality management. It is strongly suggested that, as roughly 40% of the phosphorus contribution to the lake is from developed surfaces (e.g. roads, parking lots, rooftops) that a stormwater management professional should be a required category of expertise on the Board.
- Section 1 FINDINGS: Within FINDINGS estimated capital cost from the January 2017 Treasurers report are provided. These findings point out that over the next 20-year period Vermont will face a \$1.3 billion capital cost funding gap. Please note that these estimates do not include the long-term operation and maintenance (O&M) costs, which are the responsibility of the municipalities which will own these systems. As opposed to the one time capital costs, these O&M costs will continue in perpetuity. This factor, which is not discussed in the findings, should be taken into account when considering adding additional costs to municipalities such as the local collection of state-wide stormwater fees.
- Entities Eligible for CWA Funds: The current language of S.260 makes private developers eligible for receiving CWA funds. Unless these private developers are in a public-private partnership funds should not be allocated to for-profit development. The way this language currently reads, a big box store could receive funds to assist with the construction of a stormwater system taking place in a new development. While funds are needed for municipalities and likely for retrofitting existing development, it seems inappropriate to allow new development access to these funds.
- Exemptions: The Town of Williston has no outright exemptions for their stormwater fee. Additionally, we have been billing railroad track right-of-way without issue since the inception of our program in January of 2015. To allow any exemptions moves us away from the "all in" approach. Instead, it is strongly encouraged that a robust credit manual is implemented as part of the CWA.

- Credit Manual: All existing Vermont utilities provide credit for properties that can demonstrate they improve the quality or lessen the quantity of stormwater leaving their site in accordance with state design requirements. Instead of allowing exemptions the success of a CWA will be contingent on a robust and detailed credit manual including recognition in the form of credits for:
 - MS4 Communities and municipal collection communities (local utilities),
 - agricultural operations in compliance with their respective Required Agricultural Practices,
 - properties that have voluntarily made improvements meeting CWA standards,
 - state stormwater permit holders, and
 - other activities deemed to have significant water quality benefits (e.g. Credit for an educational institution with a water quality curriculum).
- Municipal Collection of the CWA Fee: To date, no estimate has been performed comparing the administrative cost of local collection versus that of state-wide collection. In order to maximize limited capital dollars it is essential that Vermont utilize the most affordable collection method available. While local collection may seem like an attractive option a number of barriers exist which have not been discussed in detail and may well affect the ultimate cost of collection. These barriers include the lack of a uniform collection system across Vermont's municipalities and the lack of existing billing infrastructure to tax exempt properties. Lastly, at a rate of 0.225 of one percent retainage for the clean water assessment, Williston would retain approximately \$300/year in exchange for the extra effort required for collection. This would cover less than 10 hours of staff time let alone the extra costs for the mailing associated with this effort. This is simply not an appropriate compensation for the effort required.
- Abatement: It is unclear in the current language if a municipality has the authority to abate all fees in the town or just a limited number of abatements.
- Water Quality Assessment: The CWA should not be charged with assessing the health of waterbodies as ANR already performs this service for the state. Requiring the CWA would be redundant, costly and create a friction point with ANR if findings conflict.