From: Moore, Julie
To: Boedecker, Emily; Ellis, Rebecca; LaFlamme, Pete; Monks, Padraic
Cc: Chapman, Matt; Walke, Peter
Subject: FW: triggering 3 acre retrofit of unpermitted or old permitted projects
Date: Sunday, November 26, 2017 9:43:00 PM

FYI. In the conversation Brittney and I had with Rep Deen and Sen Bray last Tuesday, it became clear that Rep Deen had intended for there to be language giving the Agency the ability to prioritize SW retrofit projects, much like the language provided for the MRGP, so that we wouldn't end up with a "blanket requirement" to retrofit all 3-acre sites. Interested in any thoughts about how we might best deploy a prioritization scheme.

Thanks!
Julie

From: David Deen [mailto:strictlytrout@vermontel.net]
Sent: Wednesday, November 22, 2017 10:15 AM
To: Moore, Julie <Julie.Moore@vermont.gov>; Chris Bray <cbray@sover.net>; Wilson, Brittney <Brittney.Wilson@vermont.gov>
Subject: Fw: triggering 3 acre retrofit of unpermitted or old permitted projects

Well I am glad I checked. That provision was not part of the final bill. I know it was there as the bill left FW&WR but it evaporated somewhere.

The stormwater manual language does leave some flexibility in targeting the most effective projects using the basin plan. I don't know if that is sufficient for your needs though SO,

I am having language prepared that would set out a priority scheme as you suggested Julie and once I have it I will circulate it to everyone. It would use the basin plan priority setting to target parcels starting with the Chaplain watershed, then impaired watersheds, then DEC priority watersheds, then all other watersheds.

David

Representative David L Deen }>}}}}'>
5607 Westminster West Road
Westminster, VT 05346
802-869-3116
Fax 802-869-1103
strictlytrout@vermontel.net

From: Michael O'Grady
Sent: Wednesday, November 22, 2017 9:12 AM
To: David Deen
Subject: RE: triggering 3 acre retrofit of unpermitted or old permitted projects

David

I agree with you that when the 3 acre permit was proposed it was linked to basin planning. However, the statute does not include an express link. Instead it requires the Agency to set a schedule for permitting, but requires all property owners who fall within the criteria to obtain a permit by a specified date, October 2023 for Lake Champlain and October 2028 for the rest of the State. See language below:

(3) On or before January 1, 2018, 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 a schedule for implementation of the general permit by geographic area of the State. The schedule shall establish the date by which an owner of impervious surface shall apply for coverage under subdivision (g)(3) of this section. The schedule established by the Secretary shall require an owner of impervious surface subject to permitting under this subdivision to obtain coverage by the following dates:

(i) for impervious surface located within the Lake Champlain watershed, no later than October 1, 2023; and

(ii) for impervious surface located within all other watersheds of the State, no later than October 1, 2028.

The stormwater section does include the directive that the stormwater rules due December 31, 2017 "Establish criteria for the use of the basin planning process to establish watershed-specific priorities for the management of stormwater runoff."

From: David Deen [mailto:strictlytrout@vermontel.net]
Sent: Tuesday, November 21, 2017 4:56 PM
To: Michael O'Grady
Subject: triggering 3 acre retrofit of unpermitted or old permitted projects

Hi

Sec. Moore had a conversation with Chris and I tonight about not wanting to retrofitting ALL 3 acre developments without a modern day stormwater permit. She wants to identify the highest priority projects not all projects with 3 acre of impervious surface.

It is my memory that in Act 64 in order for the agency to put a project on their list it has to be identified in a basin plan and identified that it is causing a water quality degradation. If that is the case then not ALL 3 acre developments rise to the level of

addressing the stormwater run off.

Is my memory correct? I cannot remember if those provisions remained in the passed version of Act 64.

Sec. Moore will be in touch with you to see if my memory is correct.

thanks

David

Representative David L Deen }>}}}}'>
5607 Westminster West Road
Westminster, VT 05346
802-869-3116
Fax 802-869-1103
strictlytrout@vermontel.net