

## **Town of Williston Stormwater Program Testimony on Bill S.260**

January 30<sup>th</sup>, 2018

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.

The Senate Committee on Natural Resources and Energy is currently hearing testimony for S.260, an act relating to funding the cleanup of State waters. This bill focuses on the concept of introducing a Clean Water Authority (CWA) whose sole purpose shall be to finance the remediation, improvement, and protection of the quality of the waters of the State. An essential component for consideration of the CWA is determining how a statewide fee dedicated to addressing water quality issues would overlap with local fees similarly dedicated to addressing municipal water quality needs. These local fees include those funds gathered by MS4 and MS4 Stormwater Utility communities to meet stormwater requirements. Accordingly, Williston Stormwater staff suggests the following aspects to consider including in the proposed CWA legislation.

### **General Comments**

- MS4 Credit (See "Stormwater Obligations in Vermont by Municipality Type")
- Municipal Collection Credit
- Creation of a robust Credit Manual
- Merit Based Funding (Prioritize funding by \$/lb contaminant removed)

### *MS4 Credit*

The provided chart depicts a graphical representation of the increased costs MS4 and Utility communities accrue versus more rural communities and the corresponding water quality benefits. It is the hope of these communities that an equitable approach to statewide billing, in recognition of the water quality efforts shown in the attached figure, is the application of a credit assigned to the parcels located within these communities. This position has precedent as all existing Vermont utilities provide credit for properties that provide treatment of stormwater runoff and comply with State permits. In addition, the legislature previously awarded a blanket credit to the Vermont Agency of Transportation in recognition of their efforts to comply with the TS4 (non-traditional MS4) permit.

### *Municipal Collection Credit*

The Municipal Collection Credit is intended to recognize the fact that, as a utility, we have invested in the infrastructure necessary to bill our residents and gather the funds needed to address water quality efforts. Allowing communities to pay a single fee to the CWA equal to cumulative fees of all parcels within our municipality will result in a quantifiable cost benefit to the CWA.

Currently, S.260 assigns the responsibility of fee collection to municipalities directly. Williston Stormwater staff is not in favor of this approach and points out that the current rate of compensation for our collection (0.225%) at \$40/parcel is approximately \$300/year. Williston's Stormwater Program currently spends well over \$10,000/year on collection of funds.

### *Credit Manual*

As stated before, 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 to the statewide fee such as the exemption in S.260 for railroad right-of ways (which currently pay into Williston's Stormwater Utility) 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 as already discussed,
- 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 (eg. Credit for an educational institution with robust water quality curriculum)

### *Merit Based Funding*

The ability to prioritize projects based on cost effectiveness is paramount to the success of Vermont's water quality investments. If the overall goal is to improve the quality of Vermont's waters, any available funding must be prioritized based on the cost per pound of pollutant removed. This ensures that any funds spent have the maximum water quality benefit possible.

### **Comments on S.260 Directly**

- Private developers should not be eligible for CWA gathered funds.
- Given the predominance of stormwater as a driving factor in Vermont's water quality issues, a Stormwater Professional should be listed as a required member on the CWA's governing board.
- The CWA should not be charged with assessing the health of waterbodies as ANR already performs this service to the State. Requiring the CWA would be redundant, costly and create a friction point with ANR if findings conflict.

# Stormwater Obligations and Clean Water Benefits in VT By Municipality Type

Prepared December 5, 2017

## All Municipalities

*These are required activities for all VT municipalities.*

- Municipal General Roads Permit compliance
- Operation & maintenance of existing infrastructure
- Planning, design, and construction of needed retrofits on 3-acre impervious sites
- Compliance with any state stormwater operating permits held by municipality
- In general, 20% match required for grant programs

## MS4 Designated Municipalities

*These are required activities for Municipal Separate Storm Sewer System (or non-traditional MS4) permit holders. There are 12 in Vermont.*

- Submit annual reports to DEC
- Required street sweeping & catch basin cleaning
- Provide or contract for stream flow monitoring services
- Permit fees (\$10/acre of impervious within MS4 boundary)
- Administer Illicit Discharge Detection and Elimination Program (IDDE)
- Complete planning for flow restoration in stormwater impaired watersheds
- Design and construct identified flow restoration projects and activities
- New stormwater BMP scoping, engineering, & design requirements
- Oversee enforcement of stormwater ordinances and enhanced water quality development regulations
- Complete phosphorus planning for control of phosphorus to Lake Champlain
- Design and construct identified phosphorus control projects or activities
- In general, 50% match required for grant programs

## Municipalities with Impervious-Based Fee Programs

*These are voluntary activities. Communities with these programs believe they are the best example of an "all-in" approach because it requires every property, even tax-exempt sites, to contribute to clean water funding. There are 4 in Vermont.*

- Initial impervious cover data collection and billing system setup and maintenance
- Regulatory framework creation, adoption & housekeeping (ordinances, reporting, staff training, budgeting, oversight)
- Utility fee mailing, collection, and pursuit of delinquent accounts
- Credit manual implementation –processing applications, ongoing inspections, tracking, record keeping
- \* In general, funding raised through fee programs allows communities to perform additional capital construction and/or enhance maintenance programs.

Cost of Program

Water Quality Benefits