

**Town of Williston Stormwater Program Testimony to the House Committee on Natural Resources, Fish, and
Wildlife on Williston Stormwater Funding Efforts and Revenue Generation**

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The Town of Williston is one of five 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. A visual depicting the stormwater obligations and associated costs for Vermont municipalities is attached.

Williston's Stormwater Utility generates funding for stormwater efforts through a direct nexus with water quality (impervious cover fee) for the purpose of providing local infrastructure needs and meeting the increasingly complex and costly state and federal regulations. This fee currently assigns a cost of \$51/year per single family residential parcel and \$51/year for every 4,000 ft² of impervious cover on non-single family residential (NSFR) parcels. NSFR parcels include commercial, industrial, large scale residential and agricultural parcels staying true to the "all-in" approach advocated by the state. For Williston this results in roughly \$750,000 of revenue generated annually with a direct nexus to water quality.

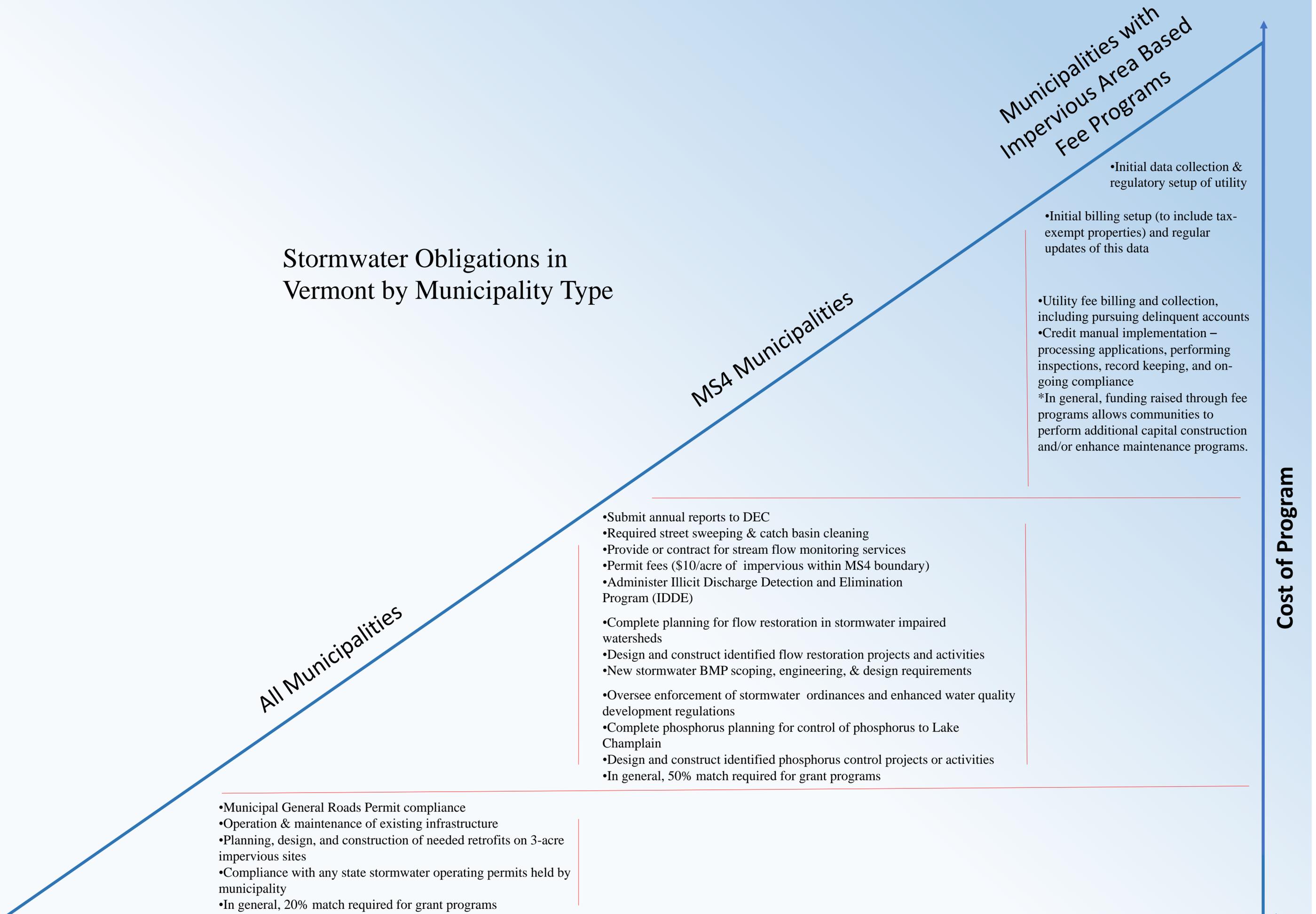
One such regulation is the creation of a Flow Restoration Plan (FRP) for the stormwater impaired Allen Brook watershed. To address this stormwater impairment, Williston must implement best management practices minimizing the damaging impact of urbanized areas on the brook within a 20 year timeframe. A significant portion of the improvements contained in the FRP includes the upgrade and retrofitting of permitted private home owner association stormwater systems. To incentivize these improvements Williston enacted a policy in which the town would assume responsibility for these systems once they were brought up to current state standards. Understanding that this is a costly endeavor for private associations Williston has crafted unique grant and loan policies to provide financial assistance expediting these upgrades and associated compliance with state water quality standards. Since 2015 Williston has obtained \$690,000 in state grant funds, loaned approximately \$1,300,000 and brought 12 of 18 systems to substantial completion. It is anticipated that two more systems will be substantially complete by the end of 2019 resulting in roughly 80% of residential projects completed in 5 years of the 20 year allotted timeline.

While the state has provided tremendous resources to assist with Williston's clean water efforts through their various grant opportunities, unfortunately the states permitting regime has been a significant impediment in our efforts. As municipality's responsibilities are continually expanding to address and mitigate the pollution to impaired state waters (including the MRGP, PCP, and Chloride Standards), the state has not in turn provided municipalities with an updated permitting structure to effectively meet these requirements. While Williston and other municipalities have commented extensively on the friction between implementing state water quality requirements and existing in an outdated permitting structure the states permitting and rule making updates have not reflected the feedback provided by municipalities. This

has resulted in a working relationship where issues are not addressed over robust discussion but, rather, necessitates legal action such as the S. Burlington and Williston joint appeal of the ANR Wetlands General Permit No. 3-9026.

Municipalities are asking for clear guidance and prioritization on how to implement water quality improvements. We ask that this guidance takes into account the realities of municipal infrastructure and determines which natural resources are to be prioritized when implementing water quality improvement plans. With this guidance Vermont's municipalities, the state's biggest ally in the endeavor for clean water, will be set up to succeed in the implementation of the many water quality efforts we must undertake in the coming years.

Stormwater Obligations in Vermont by Municipality Type



All 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 Municipalities

- 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 Area Based Fee Programs

- Initial data collection & regulatory setup of utility
 - Initial billing setup (to include tax-exempt properties) and regular updates of this data
 - Utility fee billing and collection, including pursuing delinquent accounts
 - Credit manual implementation – processing applications, performing inspections, record keeping, and on-going compliance
- *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