



Green Mountain
Water Environment
Association

How are Stormwater Utility Fee's Assessed?

Stormwater Utility Fees are leveraged based on a parcel's impervious surface. Parcels which do not have impervious surfaces such as agricultural fields and parcels used for silviculture are not assessed a Stormwater Utility Fee. Parcels used for agriculture activities which contain impervious surfaces such as Barns, Green House, and Residential Structures may be subject to a Utility Fee based on the impervious surfaces resulting from those structures.

What Are the Utility Fees Used For?

Municipalities which meet the EPA's threshold Under the National Pollution Discharge Elimination System (NPDES) are required to develop Stormwater Management Programs. The threshold for communities required to develop these programs are as follows;

Phase 1 MS4: Populations of 100,000 or more

Phase II MS4: Communities which meet the U.S. Census Bureau defined urbanized areas (Population of at least 50,000)

*<https://www.epa.gov/npdes/stormwater-discharges-municipal-sources>

The State of Vermont designates Municipalities which discharge to Stormwater Impaired Waters as small MS4's and requires those communities to establish Stormwater Management Programs.

*<https://dec.vermont.gov/watershed/stormwater/permit-information-applications-fees/ms4-permit>

Utility Fees are not "Regulations" requiring actions

Utility Fees do not direct property owners to take any specific actions beyond the requirement to pay the fee.

Utility Fees are not "Permit" Fees

Property owners do not apply for a permit, nor are properties subject to specific requirements as a result of the fees.

Utility Fees are not Taxes

Utility fees must be used for the purpose of the utility, which in this case is for improving water quality.

Utility fees can not be relegated or reallocated based on a municipality's needs, such as using Stormwater Utility fees for line striping roads. The fees collected must be used for water quality improvements.

Utility fees are not subject to exemptions by non-profits and other entities which may be exempt from certain taxes.

Municipalities are authorized to establish a utility for stormwater pursuant to Title 24, Chapter 101, 24 V.S.A Chapter 061 Subchapter 011, and Title 24 Chapter 59.

Equitable For All

Understanding that some farming activities and structures are subject to RAP's that should not preclude them from the requirement to participate in the Municipal Stormwater Utility. There are hundreds of properties (commercial and residential) which are required by the State Agency of Natural resources to construct, operate, and maintain water quality practices such as gravel wetlands and water quality ponds, which are in many ways equivalent to a RAP, and those property owners are still subject to Municipal Stormwater Utility Fees.