

Gianna Petito edits to email from Representative Rob North 3/13/25

Regarding Changes to 3-Acre Bill from Representative Rob North 3/13/2025

### An Act amending to the 3-acre rule

Recommended changes to draft 3.1

#### Section 7(e)(2)

(C) funding for the Municipal Stormwater Implementation Grant Program as provided in section 928 of this title, including at least \$1,000,000.00 annually for costs of complying with permitting requirements under subdivision 1264(c)(7) of this title ~~including for residential subdivisions when the municipality assumes full legal responsibility for the stormwater system.~~ residential subdivisions under subsection 1264(c)(7) of this title when the municipality assumes full legal responsibility for the stormwater system;

**Commented [GP1]:** DEC has no preference on keeping or removing this language in red. Strong preference to keep the black text as struck so dollars are not limited to specific use cases with unknown demand

#### Section 10:

(c) Powers and duties. The Study Committee shall review the feasibility of establishing regional stormwater utility districts in the State. The Study Committee shall:

(1) review current statutory authority for the development of regional stormwater utility districts comprised of multiple municipalities, including identifying any potential disincentives or obstacles to utility formation;

(2) propose an approach the State could use for implementing a regional stormwater utility approach that would allow the utilities to assume liability and responsibility for compliance with water quality laws to the utility, including how a utility could assume responsibility for any securing the permitting of properties subject to the three-acre stormwater permitting normally performed by the Department of Environmental Conservation (DEC);

**Commented [GP2]:** Added this word for clarity.

(3) review and recommend cost-effective and equitable approaches for regional level revenue raising and distribution of project funding for the purpose of stormwater controls to meet the TMDL including:

a) consideration of prior revenue-raising recommendations made in the 2017 Clean Water Report from the Office of the State Treasurer. propose alternate methods for stormwater management at the regional level that would achieve equivalent or better Phosphorus reduction more cost effectively than \$25,000/Kg/year and exceeding 1700 Kg/yr in total.

**Commented [GP3]:** [https://www.vermonttreasurer.gov/sites/treasurer/files/committees-and-reports/FINAL\\_CleanWaterReport\\_2017.pdf](https://www.vermonttreasurer.gov/sites/treasurer/files/committees-and-reports/FINAL_CleanWaterReport_2017.pdf)

b) (34) propose recommend whether and how to authorize a regional stormwater utility to assess fees or charges to landowners, residents and businesses within the regional stormwater utility district for the purpose of stormwater controls to meet the TMDL;

c) (45) propose how a regional stormwater utility district could be eligible for Clean Water State Revolving Loan Fund awards; and access state-level financial assistance for the design, construction, and operation and maintenance of regulatory and non-regulatory stormwater systems including from the Clean Water State Revolving Loan Fund; and

d) recommend whether and how a regional stormwater utility can cost-effectively and equitably allocate resources and achieve pollutant reduction measures insufficiently achieved by regulated sites, as might be articulated in a regional stormwater management plan, and

(56) propose recommend how statute should be amended to implement any of the recommendations proposals of the Study Committee, including regional stormwater management planning for purposes of overall regional phosphorus pollutant reductions.

replacing the three-acre rule with method(s) defined in (3); and  
(7) estimate a cost to operate such proposed regional stormwater utility districts, net of the reduction in DEC headcount that would be achieved by implementing the proposed regional stormwater utility districts; and  
(8) task DEC to propose a system and estimate a cost to reduce the phosphorus flow from Dead Creek into Otter Creek by 50% or more and report on these results.

Thank you,  
Representative **Rob North**, Addison-3  
Vermont State House  
House Committee on Environment