

Vermont Department of Environmental Conservation  
Watershed Management Division  
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Montpelier VT 05620-3522  
<http://dec.vermont.gov/watershed>

Agency of Natural Resources

00132

KALEITA TIMOTHY  
KALEITA PAIGE ERIKSON  
193 JOAN AVE  
RICHMOND, VT 05477

08/21/2024

Re: Stormwater Project 6116-9050, Southview Subdivision, Stormwater Permit Required  
  
Southview Drive  
  
Richmond

### Notice of Incomplete / Past Due Stormwater Permit Application - Action Required

KALEITA TIMOTHY

KALEITA PAIGE ERIKSON

You are receiving this letter as notification that your Initial Notice of Intent (NOI) application for permit coverage under General Permit 3-9050 is either incomplete or your Full Notice of Intent (NOI) application is past due. In some cases, where a municipality was listed as the only permittee on a previously issued stormwater permit, the municipality may have been previously notified of this requirement, however none of the individual property owners were notified at that time.

As you may be aware, Act 64 (the Vermont Clean Water Act), passed by the Legislature in 2015 and signed into law by then Governor Peter Shumlin, mandates the Agency of Natural Resources (Agency) to issue clean water regulations. These regulations require treating stormwater runoff from impervious surfaces – hard surfaces such as roof tops, roads, and parking areas – and preventing pollutants in runoff from entering our waters.

Specifically, Act 64 requires all developments with three or more acres of impervious surface ("3acre sites") AND all developments of impervious surface of less than three acres that were previously subject to a stormwater discharge permit designed to pre-2002 standards discharging to a stormwater-impaired water, to obtain a new stormwater permit under General Permit 3-9050, which went into effect on 12/1/20. The permit ensures stormwater runoff is appropriately managed to improve water quality in Vermont's lakes, rivers ponds, and streams.



The Agency is reaching out to you because (1) you applied under an Initial Notice of Intent (NOI) and the application is incomplete; or (2) you are past due for the submittal of your Full Notice of Intent (NOI) as identified in your most recently issued permit. All regulatory deadlines for application submittal have passed and cannot be extended.

**Failure to comply with this stormwater permit requirement may be subject to Agency enforcement action, and therefore, you are advised to complete your incomplete application which may include the submittal of a Full NOI application for coverage under General Permit 3-9050 immediately. If you have submitted your Full NOI application or have since completed your application by the time you have received this notice, you may disregard and continue to move forward with your permit application.**

Many people have questions about the stormwater permit regulations, so we're also offering some helpful information with this letter. If you have additional questions after reading this letter, please contact us so we can help you navigate the requirements. You'll find contact information at the end of this letter.

## **Stormwater General Permit 3-9050**

### **What does the General Permit require?**

Stormwater General Permit 3-9050 requires property owners in the following categories to obtain a new stormwater discharge permit:

- Property owners with development of three or more acres of impervious surface;
- Property owners that are part of a development with three or more acres of impervious surface, when the development, including multi-lot subdivisions, was previously subject to a stormwater permit designed to pre-2002 standards;
- Property owners with less than three acres of impervious surface that discharge to a stormwater-impaired water, when the parcel or multi-lot subdivision, was previously subject to a stormwater discharge permit designed to pre-2002 standards.

Stormwater General Permit 3-9050 will require property owners in these development categories to document any stormwater management measures already in place and to install additional practices, as needed, to comply with the terms and conditions of the permit. The permit is a critical piece of Vermont's overall framework for restoring water quality in local lakes, rivers, ponds and streams.

### **Where can I find information on General Permit 3-9050?**

Please refer to the Stormwater Program's website at: <https://dec.vermont.gov/watershed/stormwater/9050>

### **How do I obtain permit coverage?**

Application instructions are included in General Permit 3-9050 and on the Stormwater Program webpage. Projects obtain permit coverage by completing an application, referred to as a "Notice of Intent" or "NOI." The application is submitted to the Agency's Stormwater Program for review to ensure that the application is complete and the proposed stormwater design will satisfy regulatory requirements.

**If your property is part of a multi-lot subdivision, an owner's association or similar legal entity must apply for coverage. The application includes detailed engineering plans for the stormwater system that must be prepared by a professional**

engineer. A list of engineering firms that provide this service can be found at the Stormwater Program webpage here: <https://dec.vermont.gov/watershed/stormwater/9050>.

#### Is there funding available?

The Agency is currently offering financial assistance for some property owners required to obtain coverage under Stormwater General Permit 3-9050, specifically sites with three or more acres of impervious surface, subject to eligibility (i.e., 3-acre sites).

- The Agency's primary assistance is the Permit Obtainment Assistance (POA) program, funded with American Rescue Plan Act (ARPA) dollars. This program provides financial assistance to support engineering design and permit obtainment costs for eligible 3-acre sites. This program is currently open and potential applicants are strongly encouraged to enroll before September 30, 2024 to receive funding. You do not need to apply for the applicable permit concurrent with the enrollment for funding assistance, however enrollment by that date will ensure that the funding will be available to you assist you with completing the permit application process. An informational webinar took place on February 5<sup>th</sup> and a recording of the webinar is available. For more information visit: <https://anr.vermont.gov/special-topics/arpa-vermont/treating-stormwater-runoff#POA>.
- An additional option for projects that do not qualify for POA or have expenses not fully met by POA is the State of Vermont's Clean Water State Revolving Fund which may provide low interest loans, with some subsidy available, for 3-Acre sites. For more information visit: <https://dec.vermont.gov/water-investment/water-financing/cwsrf>.
- The Green Schools Initiative program, funded with Lake Champlain Basin Program, ARPA, and State Clean Water Fund dollars, provides financial assistance to public schools subject to the 3-acre site requirements. This program is underway and most public school 3-Acre sites have already enrolled in the program. For more information visit: <https://www.greenprintpartners.com/vtgreenschools>.

#### What if I don't comply?

Failure to comply with the requirements of Stormwater General Permit 3-9050 (Three-Acre General Permit), including failure to submit an application, constitutes a violation of state law and is subject to enforcement by the Agency. This could include financial penalties. Further, the absence of a current stormwater permit may present a title encumbrance to involved properties, which could affect a property transfer such as a purchase and sale.

Information on the general permit, application instructions, and additional information are available at <https://dec.vermont.gov/watershed/stormwater/9050>.

Sincerely,

Kevin Burke, Program Manager [[kevin.burke@vermont.gov](mailto:kevin.burke@vermont.gov)]

Vermont Department of Environmental Conservation

Stormwater Program

