



Stormwater Three-Acre Regulations and Funding Assistance

Neil Kamman (he/his)
Deputy Commissioner

Department of Environmental Conservation
Neil.Kamman@Vermont.gov; 802 490 6137

Terry Purcell (he/his)
Operational Section Supervisor (he, him)
Stormwater Program, DEC



Presented to the Vermont State Legislature on January 22, 2025

Presentation Outline

- Today's Witnesses
- What is Stormwater and the Three-Acre Rule?
- Three-Acre Funding Programs
- After ARPA
- Takeaways and Resources

What is Stormwater?

- **Cause:**
 - Precipitation runs off impervious surfaces
- **Impact:**
 - Nutrients including phosphorus, and sediment, metals, petroleum-based hydrocarbons, and related stormwater pollutants
 - Increased runoff volumes over undeveloped conditions
- **Result:**
 - Negatively impacts plants and animals
 - Ability to use waters for recreation and water supply

Why Manage It?

- Best Management Practices (BMPs)
 - Tailored to your site
- Maintain/restore the water quality in downstream waters



Before



After

Vermont Clean Water Act (Act 64 of 2015)

“All-in for Clean Water”

Act 64: Reasonable assurances to meet nonpoint source targets

ANR to update rule and develop general permit for

- Discharges of stormwater from existing impervious surface of 3+ acres in size if existing was previously unpermitted or permitted prior to 2002

Stormwater Permitting Rule: "3-acre site" Requirements

- Rule and General Permit 3-9050, standards and timeline
- Owners of 3-acre sites, including multi-lot developments subject to prior permit, required to get new stormwater permit coverage no later than 2023



How do I know I am a 3-acre site?

- Site with impervious surface of three or more acres that:
 - has never had an operational stormwater permit, or
 - was permitted to standards in place prior to the 2002 Stormwater Management Manual
- Communication and Outreach from Watershed Management Division
 - Listed on the [3-acre list](#) or otherwise notified
 - Letters sent to municipalities and individuals

What is Required?

- Applicant
 - Landowner(s), including municipality if co-owner, and
 - Owner's association or common entity for multi-lot developments
- Submit Notice of Intent (NOI) for coverage under Stormwater General Permit 3-9050
 - Application fee (3 VSA 2822)
 - Engineering Feasibility Analysis (EFA)
- Construction of identified BMPs within 5-years of permit issuance



Vermont Clean Water Act (Act 64 of 2015)

Reasonable assurances to meet nonpoint source targets:

- Water quality regulations
- **Clean Water Board and Fund**
- Tracking, accounting, and reporting requirements

Clean Water Service Delivery Act (Act 76 of 2019)

- Clarified purpose of Clean Water Initiative and state's commitment of \$50-60 million annually to support the Initiative
- Codified long-term revenue source for the Clean Water Fund
- Reset and updated Clean Water Budget priorities
- Four new grant programs including:
 - Water Quality Restoration Formula Grants
 - Water Quality Enhancement Grants
 - **Municipal Stormwater Grants**
 - **Developed Lands Implementation Grants**

Funding for Stormwater - ARPA

- **American Rescue Plan Act (2021)**
 - Vermont received roughly \$1B under ARPA
 - Vermont General Assembly allocated ~200M towards water infrastructure, including \$45.7M towards Three-Acre Site stormwater compliance
- **Timeline for funds:**
 - Money must be encumbered into an agreement by **September 2024** (✓)
 - Money must be spent, and projects completed by **September 2026**

Act 74 of 2021, Act 185 of 2022



Funding for Stormwater - Other Federal funding

- **Lake Champlain Basin Program**
 - MS4 Formula Grants
 - Additional Loan Subsidy for CWSRF Loans
- **Federal Highway Administration for VTrans-managed roads**
- **Congressionally-directed Spending**
- **NEW: “Section 542” Water Resources Development Act**
(municipal projects in disadvantaged communities)

Funding Made Available for Three-Acre Sites through DEC

Program	Budget
Green Schools Initiative: Engineering Services and Construction Assistance for public schools	\$32,495,876.00
Manufactured Housing Communities: Engineering Services and Construction Assistance	\$12,254,356.00
Private or municipal sites: Permit Obtainment Assistance (POA)	\$8,415,357.00
Public-Private Partnerships: 7	\$4,403,887.00
Agricultural Fairs Assistance: 4	\$2,100,000.00
Total	\$59,669,476.00



POA Outreach



Hello and Happy Spring,

The Vermont Department of Environmental Conservation (DEC) is reaching out to ask for your assistance in getting the word out to your residents about the [3-Acre Permit Obtainment Assistance \(POA\) Program](#).

Vermont's Clean Water Act requires sites with impervious surfaces of three or more acres, known as 3-acre sites, to obtain the Three-Acre Permit. To comply with this requirement, sites such as housing subdivisions and businesses with large parking lots must manage their impervious surfaces—like roofs and paved areas—so that they do not contribute to our waters.

Clean water projects can be expensive. The Vermont Department of Environmental Conservation (DEC) is excited to announce that the American Rescue Plan Act (ARPA) has provided funding to help 3-acre sites obtain their 3-acre permit. Funding is currently available for most 3-acre sites. Up to \$49,999 is available for most 3-acre sites.

Here is a [list of many of the sites](#) subject to the 3-acre permit that may still be eligible for assistance.

There are roughly 700 3-acre sites across Vermont. We need your help to make it possible about available funding. We need your help.

Here's a collection of outreach materials you can use. Please share widely and as soon as feasible.

1. [An infographic for a Facebook post](#)
2. [A Word document containing a copy of the 3-Acre Permit](#)
3. [A QR code linking to the POA Program](#)
4. [A flyer about the POA program to upload to your website](#)

The content above can also be included in your website.

Applications for the POA Program close on October 31, 2024. We encourage people to apply well in advance of the deadline. We encourage people to apply well in advance of the deadline. We encourage people to apply well in advance of the deadline. We encourage people to apply well in advance of the deadline.

My name is Madeline Russell and I am the 3-Acre Program Lead at the Vermont Department of Environmental Conservation (DEC). I am reaching out to you about this ask or the POA Program, and I will be happy to support you by email at Madeline.Russell@vermont.gov.

Best,
Madeline Russell

3-ACRE PERMIT OBTAINMENT ASSISTANCE PROGRAM

Purpose
The 3-Acre Permit Obtainment Assistance Program has \$12.4 million of American Rescue Plan Act (ARPA) funds to help 3-acre site owners manage their stormwater runoff.

Key Takeaways
Roughly 700 sites in Vermont are 3-acre sites that may need to do more to control stormwater runoff from their lands to support the Vermont Clean Water Act. Examples of how to manage stormwater are pictured on this notice.
Up to \$49,999 per site is now available for most 3-acre sites in the Lake Memphremagog, Lake Champlain and stormwater impaired basins.
Available funding **supports design and permitting** to alleviate the costs of regulatory compliance and help Vermonters play their part in restoring our waters.
3-acre sites have three or more impervious acres that have never had an operational stormwater permit or were permitted to standards in place prior to the 2002 Stormwater Management Manual.

Spread the word
Time is short to apply for funds. Please share this opportunity widely to help your community obtain funds, encourage compliance, and promote clean water.
Applicants are encouraged to apply as soon as practicable, well in advance of the current **October 31, 2024 4:00 pm** deadline.

Learn More
3-Acre Permit Obtainment Assistance Program Website
<https://tinyurl.com/2sz5ckc3>
3-Acre Permit Obtainment Assistance Webinar Recording
<http://tinyurl.com/bddvay6y>
3-Acre Permit Obtainment Assistance Program Point of Contact
Madeline Russell | 3-Acre Program Lead | Madeline.Russell@vermont.gov | 802-261-5739






Outreach Partners: Regional Planning Commissions (RPC), Green Infrastructure Collaborative, Vermont League of Cities and Towns, Central Vermont Economic Development Corporation, DEC Stormwater Program

Outreach Recipients: RPC advisory councils, town clerks, MS4 stormwater staff, three-acre site landowners and permittees, stormwater engineering firms, legislators

Reach:

Total Presentations or Live Sessions	10 (8.5 hours total)
Email Outreach Efforts	8
Paper Handouts/Mailing Campaigns	3
Press Releases	1
Estimate of entities or individuals reached	1778

January 22,

“POA” Applications/Awards, and Funding Status

County	Number of expected sites	Number of sites applied	Number of sites awarded	Percent of sites awarded
Addison	42	15	14	33%
Bennington	2	0	0	0%
Caledonia	7	2	2	29%
Chittenden	291	76	76	26%
Essex	5	0	0	0%
Franklin	74	12	12	16%
Grand Isle	4	1	1	25%
Lamoille	50	4	4	8%
Orange	6	4	4	67%
Orleans	65	18	18	28%
Rutland	93	28	26	28%
Washington	99	23	23	23%
Windham	6	0	0	0%
Windsor	1	0	0	0%
TOTAL	745	183	180	24%

Applications/Awards:

- Sites applied - 183
- Sites awarded -180
- 24% of all 3-acre sites were awarded POA funding.

Funding Status:

- POA bank - \$8,415,356.54
- Maximum award value \$49,000 to cover all permit obtainment related services.
- Average POA funds spent per site - \$34,685.63 (69% of total award).

After ARPA?

- ANR has coordinated with Vermont's [Congressional Delegation](#) to find federal dollars to help meet these costs
- [Clean Water State Revolving Loan Fund](#)
 - Direct loans to municipalities or privates
 - Linked deposit
- Clean Water Board recommended budget supports
 - Municipal Stormwater and Developed Lands
 - Implementation Grants
- Municipal or Regional SW Utilities
- Active discussion is likely during 2025 session.



Key Takeaways

- ✓ Roughly \$60 million has been invested to offset the cost of compliance for three-acre sites in Vermont
- ✓ DEC administers multiple areas of 3-acre funding assistance, but these were largely ARPA funded and are now fully encumbered
- ✓ Pending legislative approval of the SFY 2026 Clean Water Budget DEC is exploring a Linked Deposit program to support future 3-acre construction financing
- ✓ Sites interested in interim financial assistance can pursue congressional delegation assistance, a non-state grant application, or a Clean Water State Revolving Loan

Resources

- More background on Stormwater General Permit 3-9050: <https://dec.Vermont.gov/watershed/stormwater/9050>
- For questions about 3-acre regulations, contact the [DEC Stormwater Program contact](#) for your area
- Visit the 3-Acre Funding Program Webpage: <https://anr.Vermont.gov/special-topics/arpa-Vermont/treating-stormwater-runoff>
- Information on Congressionally Delegated Spending Requests: <https://www.welch.senate.gov/services/cds-requests/>
- Clean Water State Revolving Loan Fund: <https://dec.Vermont.gov/water-investment/water-financing/cwsrf>
- Visit the Clean Water Board webpage: dec.Vermont.gov/water-investment/cwi/board

Thank you!

