

Topic: Town of Williston, Department of Public Works Perspective on H.481 “An act relating to stormwater management”

To: Senate Committee on Natural Resources and Energy

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My name is Lisa Cicchetti, and I am the Stormwater Coordinator for the Town of Williston. I work within the Department of Public Works to coordinate compliance with our MS4 (Municipal Separate Storm Sewer System) permit. In this testimony, I will highlight some of the work we do and present our three main concerns for your consideration regarding this bill:

1. Access to funding should not hinge on the municipality's ability to take full responsibility for the 3-acre permit and the related private infrastructure;
2. Town impervious areas should not be included in the permit boundaries for 3-acre permits; and
3. Many homeowners will experience significant financial burdens, even with the proposed funding.

1) To address the first point, I want to begin by saying that the Williston Department of Public Works is in support of continued State funding for work on compliance with State stormwater permits (**Section 2, Section 3, Section 6**). However, we are concerned that a significant portion of this funding specified in Section 6 for 3-acre sites is only available to permits that are taken over by municipalities. While we, as the Department of Public Works, work hard to provide services to the residents of Williston, we must consider the best interests of the whole town.

I, the Stormwater Coordinator, am the only staff position designated to stormwater management in Williston. My work is focused on compliance with our MS4 permit. This includes regular inspection and maintenance of drainage infrastructure for all Town roads, overseeing catch basin cleaning and street sweeping, inspecting stormwater outfalls, inspecting construction sites, and responding to residents' concerns. We are also working towards the completion of our Phosphorus Control Plan and Flow Restoration Plan, which includes retrofitting older facilities and constructing new facilities. Additionally, we implement a Road Salt Reduction Plan by working with our Highway Department to reduce road salt use on Town roads. As part of our Flow Restoration Plan, Williston already maintains 18 stormwater ponds, which require regular inspections and maintenance. Our Stormwater Program is in compliance and on track to meet our phosphorus reduction goals. We are also at capacity.

We do not have the staff or equipment to take over the maintenance of these 3-acre sites. If we were to expand our stormwater program to do so, there would be an increased financial burden on all property owners in Williston as we would have to increase our stormwater

utility fee. However, in other Towns, taking over 3-acre sites might be a helpful method to meet their MS4 phosphorus or flow reduction goals. Given that each municipality is in a unique situation, residents' access to State funding should not be reliant on their municipality assuming full responsibility for the 3-acre permit and related private infrastructure.

I also want to clarify that even when a municipality voluntarily takes over a 3-acre permit, the municipality will almost certainly still rely on outside engineering and construction services. Therefore, there would not be a significant reduction in the cost of permit compliance.

2) Currently, for some 3-acre permits located off Town roads, the Town road has been included within the permit boundary. The Town of Williston is a co-permittee on permits for business and residential properties. We are requesting that the Town's impervious areas be removed from the permitting boundaries and the Town be removed as a co-permittee. The Town is already maintaining the stormwater infrastructure along the Town roads and will continue to do so under our MS4 permit. Including the same Town roads on two stormwater permits creates two sets of application review fees for ANR and creates confusion for the residents regarding responsibilities under the 3-acre permit.

We are spending a significant amount of time working on legal agreements with neighborhoods where the Town is required by the State to be a co-permittee. These legal agreements are designed to clarify that the Town will continue to be responsible for only the infrastructure in the Right of Way of Town roads. If the Town was not required to focus on the legal agreements with co-permittee sites, there would be staff time available to support more equitably the 3-acre sites across Williston.

3) On the topic of the cost of compliance, compared to the proposed funding, Tom DePietro of South Burlington gave very thoughtful testimony to this committee recently. He presented some rough numbers that are in line with what we expect for projects in Williston, as well. We wanted to build upon what he said because the funding proposed in this bill will not provide the desired financial relief to homeowners. Whether the homeowners are paying through loans, grant matches, or municipal fees, they will still face intense and lasting financial burdens to comply with these permit requirements.

We support extending the deadline (**Section 1**), as this will provide more time for property owners to catch up. And we support the regionalization study (**Section 10**), as there could be more efficient methods to meet stormwater treatment goals if we work together beyond municipal boundaries.