

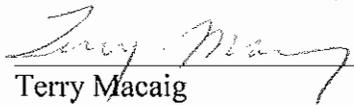
# TOWN OF WILLISTON

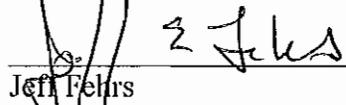
## RESIDENTIAL EXPIRED STORMWATER PERMIT POLICY

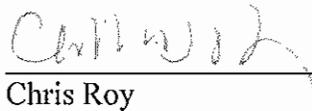
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Adopted this 18th day of May, 2015

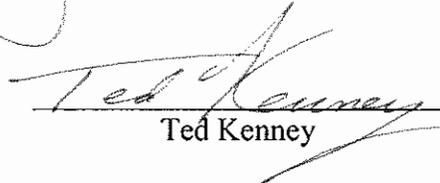
### Williston Selectboard

  
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**Abstract:**

The Town of Williston is designated as an Urbanized Area, and accordingly, is considered a Municipal Separate Storm Sewer System (MS4) Community through the National Pollutant Discharge Elimination System (NPDES) permit program. As an MS4 community, Williston must develop a method for ensuring long term compliance with the Town of Williston's Flow Restoration Plans. This policy is designed to provide incentives and make it easier for expired residential permit holders to comply with their permit requirements.

## Residential Expired Stormwater Permit Policy

### 1. Statement of purpose

The purpose of this policy is to provide a method in which the Town of Williston can provide incentives and make it easier for private residential expired permit holders to comply with requirements put forth in General Permit 3-9014. In doing so, Williston will acquire responsibility for these expired permits, expediting compliance with TMDL Targets and the removal of impaired waterbodies from the State's Impaired List.

Alternatively, expired permittees may opt to be assessed through the States Residual Designation Authority (RDA). The requirements of such an approach are not yet clearly defined and, more importantly, the timeframe in which they must be implemented is unknown. Past experience shows that the State is understaffed to adequately regulate these permits and residential permit holders are not prepared to properly maintain or improve State permitted systems. How, and if, these issues would be addressed if permits remain in State control is a concern for the Town of Williston.

### 2. Background

The Town of Williston is designated as an Urbanized Area, and accordingly, is considered a Municipal Separate Storm Sewer System (MS4) Community through the National Pollutant Discharge Elimination System (NPDES) permit program. The State of Vermont Agency of Natural Resources Department of Environmental Conservation (VTDEC) has issued a National Pollutant Discharge Elimination System (NPDES) General Permit 3-9014 (2012) for MS4s. The draft permit requires MS4 communities such as the Town of Williston that drain to waters that are impaired for stormwater runoff to develop a Flow Restoration Plan (FRP) for these waters.

The ultimate goal of a FRP is to identify stormwater treatment practices (including retrofits to existing practices) that will be recommended for implementation in an effort to achieve established EPA approved Total Maximum Daily Load (TMDL) Targets for an impaired waterway and, eventually, allow this impaired waterway to be removed from the State's Stormwater Impaired List. In doing so, MS4 permittees discharging to impaired waterways will be working towards compliance with the NPDES General Permit through the actions as put forth in the FRP.

### 3. Policy Statement

In order to meet both State and Federal requirements as discussed herein, the Town proposes to assume responsibility for ongoing maintenance and upgrades of residential expired permits which meet specific criteria and procedures as outlined in this policy.

The systems meeting these criteria will no longer be covered under their original permit, instead being covered through the Town of Williston's NPDES General Permit. Each system accepted through this process will be incorporated into the Town's Stormwater

Program and funded through the Ordinance Regulating the Use of Public and Private Stormwater Systems, approved April 21, 2014.

At any time during this process, if an expired permit holder does not meet the criteria or follow the procedures put forth in this policy, the Town reserves the right to request an expired permit be handled through the States Residual Designation Authority (RDA). At this point the expired permit in question would no longer become the responsibility of the Town and remain a private permit regulated through the State.

#### 4. Policy Procedures

##### a. Expired Permit Eligibility Requirements

In order for the Town to assume responsibility for future on-going maintenance of a permitted residential stormwater system, each permittee must meet specific criteria for consideration and follow certain procedures to the satisfaction of the Town:

- Must be a system supporting solely residential development;
- Must be listed in a Town and State approved Flow Restoration Plan;
- Must meet requirements of the Engineering Feasibility Analysis relevant to the FRP in question;
- Must establish suitable easements; and
- Must provide legal agreements according to Town requirements.

##### b. Information Required (Permittees must provide the following at a minimum)

- Undertake an Engineering Feasibility Analysis (EFA), as described in the VTDEC Procedure for Evaluation of Stormwater Discharges and Offsets in Stormwater Impaired Watersheds published May of 2004. This analysis will identify what repairs or improvements are required to bring stormwater systems into compliance with the MS4 permit;
- Provide a written report summarizing compliance with the EFA,
- Submit a cost estimate for the proposed improvements and associated Town and State permitting;
- Provide supporting hydrologic modeling results and water quality calculations;
- Provide details on drainage areas in a digital geographic information systems format; and
- During the period of final design and permitting, the permittee will be responsible to work with the Town for the establishment of access easements and associated legal agreements in support of the ongoing maintenance and upgrades associated with the expired permit.