STORMWATER
Frequently Asked Questions

What is the impairment issue?

The State of Vermont Agency of Natural Resources Department of Environmental Conservation has issued a permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4). The permit requires MS4 communities, such as the Town of Williston, whose stormwater runoff drains to waters that are impaired to develop a Flow Restoration Plan for these waters.

Allen Brook is currently included on the Vermont Agency of Natural Resources Stormwater Impaired List. The Town of Williston, the Vermont Agency of Transportation, local neighborhoods, and local businesses have been working cooperatively to develop a plan with the goal of identifying best management practices that will achieve compliance with the flow targets. This management is achieved primarily though capturing and retaining stormwater in ponds and, where possible, increasing infiltration of runoff to the groundwater.

How much progress has been made?

In order to better understand the sources that affect water quality and to develop a clear plan to prevent future problems and to correct past environmental damage, a number of studies have been completed:

- Watershed Improvement Plan and Recommendations for a Total Maximum Daily Load (TMDL) for Sediment, Allen Brook, March 2003
- Biological and Aquatic Life Use Attainment Assessment of Allen Brook, March 2006
- Allen Brook Watershed Departure Analysis and Project Identification Summary , April 2008
- Total Maximum Daily Load to Address Biological Impairment in Allen Brook, September 2008
- Town-Wide Watershed Improvement plan Phase 1 and Phase 2, September 2013.

Along with these studies, a series of projects have been designed to fix existing problems. Projects include:

- Meadow Brook - A detention pond was constructed to control stormwater in this development that was built before the state permitting process was in place. Completed 2008.
- Williston Hills - Extensive gully erosion occurred below the culvert outfall for the storm drain collection system. Large sediment deposits were being conveyed to the Allen Brook. Completed 2008.
- Allen Brook Corridor Enhancement - 37 acres of riparian land were permanently protected by conservation easement and 18 acres of riparian land were re-forested. Completed 2012.
- Neighborhood scale stormwater treatment systems located on White Birch Lane, Palmer Court and Pamela Court. Completed 2015
- East Hill Ditch Improvements. Phase II constructed in 2015 and Phase III Completed 2016
- Development of Allen Brook Flow Restoration Plan (FRP):

  - The final FRP for the Allen Brook was submitted to the State for review on 10/1/2016. Feedback from the state was provided in March of 2017. The Town has provided all additional state requests and is awaiting final approval of the plan.

Is the Town Flow Restoration Plan (FRP) dependent on upgrading expired permits in private neighborhoods?

An essential component of the FRP is the incorporation of expired stormwater discharge permits that contribute to the impairment of Allen Brook. These sites are comprised of a mix of residential and commercial developments throughout the watershed. As developed parcels, these locations have significant impervious areas and the potential to negatively contribute to the Allen Brook. Each of these sites was previously permitted under a state stormwater discharge permit, which required various best management practices (BMP's) to be implemented as conditions of construction. These BMP's, however, would not meet current 2002 Vermont Stormwater Manual requirements and in one case was never built.

Recognizing the importance of the expired permits, a substantial effort between the town and these permit holders has taken place since 2014 including:

- October 2014 – draft Engineering Feasibility Analysis (EFA) plans submitted to the town
- April 2016 – final EFA plans submitted to the town
- Summer of 2016 – Agreements entered into with the town
- Winter of 2016/2017
  - Draft loan policy submitted to Selectboard for approval to assist residential expired permit neighborhoods with construction
  - Draft grant policy to be submitted in the near future to the Selectboard for approval to assist residential expired permit neighborhoods with construction

How is a private neighborhood defined?

While a neighborhood is part of the whole which makes up Williston, many aspects of that neighborhood are privately owned. Certain neighborhoods have private roads which are not owned or maintained by the town. Others have pools, tennis courts and wastewater systems which may be under private ownership. The homes themselves, driveways and infrastructure such as footing drains which may connect to the town owned piping network are all privately owned. Stormwater treatment systems also fall into this category.

For proper context it is important to discuss the state stormwater requirements for development. As part of the requirements for private developments (e.g. residential, commercial, industrial) within the state of Vermont, a developer must obtain a state stormwater permit regulating the discharge of runoff from said development to state waters. At the time of development, the entirety of new impervious cover created as part of the development is wholly owned by the developer. This comprises what is at that time private homes, driveways, sidewalks, and access roads. These access roads are included in the calculations determining how much stormwater runoff will be generated by these privately owned impervious surfaces. Accordingly, in order for a development to be built, it must construct a System which can handle runoff from the privately owned impervious surfaces created as part of the development.

As a service to its residents, the town takes over ownership and responsibility for maintenance of private access roads which meet Williston Public Works standards[1]. However, the Town has not taken over ownership, easements, or rights-of-way for stormwater systems. Following this process the end result is a publicly owned road within a privately owned neighborhood.

What portion of the expired permit neighborhood system upgrades is the Town scheduled to pay per the current agreements?

The current agreements, made between the Town and individual neighborhood associations or individuals (18 neighborhoods in total), were signed in 2016. These agreements require that the permit holders upgrade their systems to meet Williston Public Works standards[1], then the Town would take over all future maintenance and upgrade costs.

What portion of the neighborhood system upgrades does the Town pay for non-expired permit holders?

Non-expired residential stormwater permits are those permits which are not part of the Allen Brook FRP and, more specifically, those which have not placed a cloud on the titles of the homeowners which jointly own the expired stormwater system.

There are currently no agreements between the Town and other neighborhoods (approximately 25 non-expired residential permits in the Town of Williston) to upgrade or maintain stormwater systems in their neighborhoods.

Can private neighborhoods work directly through the State to obtain their permit?

At any time during this process if an expired permit holder chooses to not move forward with the EFA and subsequent agreements with the Town they may choose to fall under the State of Vermont's Residual Designation Authority (RDA), or its equivalent. For more information please visit the State's website below.

http://dec.vermont.gov/watershed/stormwater/permit-information-applications-fees/rda

[1] All private infrastructure which the Town assumes ownership of must first meet the Department of Public Works Standards and Specifications (2010 and revised 2013), as amended. http://www.town.williston.vt.us/vertical/Sites/%7BF506B13C-605B-4878-8062-87E5927E49F0%7D/uploads/2013_Public_Works_Standards.pdf

Will the RDA permitting process be more onerous than that of meeting the requirements in the towns EFA?

The simple answer to this question is we don't know. The state has not yet clearly articulated what form their permitting process will take. In the past, they have strongly encouraged towns to work closely with individual residential permit holders with expired permits. There are three factors that have led staff to believe that neighborhoods were better off working with the Town.

First, the Town chose to require neighborhoods to analyze fewer potential options as part of their engineering feasibility analysis. Had these options been included, it might have served to increase the cost of bringing these systems up to state standards. For example, the Town did not require neighborhoods to consider pumping or re-routing of runoff, or subsurface storage. It is our understanding that the state may require consideration of some or both of these.

Second, if a neighborhood chose to follow the state process, it would retain ownership of the permit and the annual fees, maintenance costs and upgrade costs associated with it. If a neighborhood participates in the Town's program, the permit is absorbed into the Town's general stormwater permit.

Finally, and perhaps most importantly, the states permit expires after five years. It is our understanding that any improvements must be completed during that time period and possibly within three years although that has not been officially articulated. Under the Town's program, neighborhoods have up to ten years to complete the necessary improvements.

It is important to note, having neighborhoods fall under the state's residual designation authority would have been far easier to manage from the Town staff's perspective. Any comments by Town staff concerning the state process being more onerous was based on the above factors, various informal comments made by state officials and were reinforced by the general understanding among municipalities with stormwater impaired waterways. You can draw your own conclusion as to whether or not the factors identified here are sufficient to conclude otherwise.

What are the estimated costs to upgrade the systems of these expired permit holders?

The total estimated costs to upgrade the 18 neighborhoods with expired permits is approximately $1,800,000. If the town contributes towards these improvements based on total impervious cover within said neighborhoods the town will contribute an estimate of $600,000. This amount would be paid through an increase to the stormwater fee rate.

Rate Payers Estimated $600,000 Increase to Cover Town Costs of Improvements

Cost Increase	One Time Increase	Annualized 20 Year Payoff
1 ERU (Single Family Home)	$40.63	$2.03
10 ERUs	$406	$20
100 ERUs	$4,063	$203
1,000 ERUs	$40,630	$2,032
Fontaine Farm	$1,422	$71
N. Williston Cattle Company	$1,544	$77
Riverhill Farm	$1,706	$85
Largest Taft Corners Parcel	$10,645	$532
Global Foundaries	$11,255	$563
VTrans	$45,912	$2,296
Town of Williston Roads*	$115,349	$5,767

*Paid for by Williston tax payers contributions to the Towns General Fund

Are Grants available to assist with these costs?

Yes. Town staff is working with neighborhoods to obtain grants to upgrade their stormwater systems. The deadline for the first of these grants is mid-June. The Selectboard is currently reviewing a policy of how the grants will be allocated among neighborhoods.

What are the next steps?

The Selectboard is faced with an overarching decision of whether or not town funds, via the Stormwater Fee rate payers, should contribute to the upgrade of privately owned stormwater systems based on the percentage of town owned impervious cover. In order to understand the full impact of this decision, the Selectboard has agreed to examine 5 different options. The options are available for review in the "Stormwater Options" document.