

Town of Williston
Stormwater Management Program



The following Stormwater Management Program is prepared in accordance with requirements put forth in General Permit 3-9014 (2018) for stormwater discharges from regulated small municipal separate stormwater systems (MS4s)

General Permit Number: 3-9014

NPDES Permit Number: VTR040000

Submitted: December 28, 2018

Updated: January 17, 2019

The Town of Williston storm water management program shall be administered by:
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Executive Summary

The newly signed Small Municipal Separate Storm Sewer System (MS4) General Permit (3-9014) went into effect on December 5th, 2017 and was administratively continued until its final issuance date of Friday, July 27th, 2018. The permit authorized MS4s to discharge pollutants to water of the State and the United States. MS4's must develop, implement and enforce a Stormwater Management Program (SWMP) to reduce the discharge of pollutants to the Maximum Extent Practicable (MEP) using Best Management Practices (BMPs) to protect water quality and to satisfy requirements of the 1972 Clean Water Act.

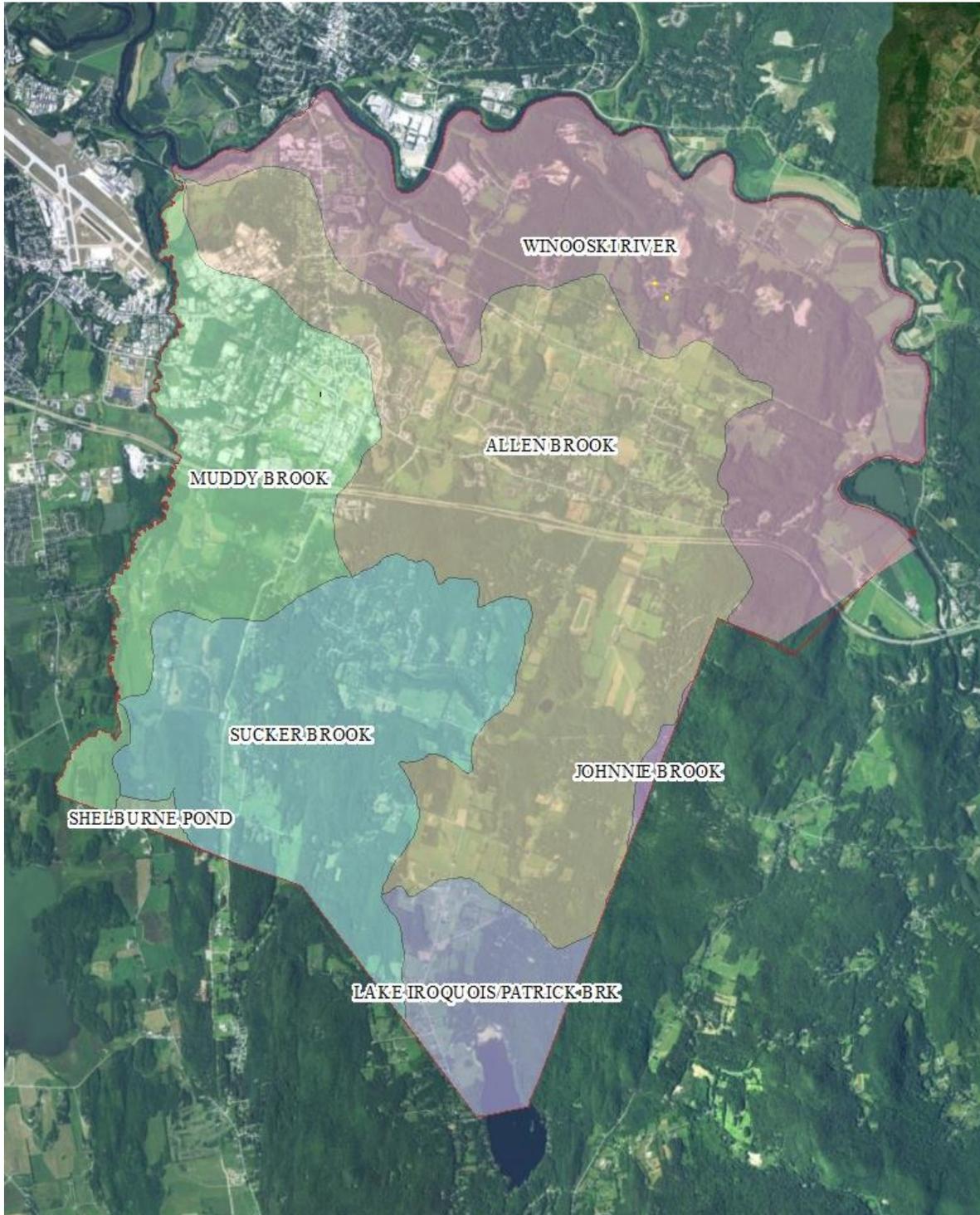
This SWMP corresponds to the many sections within the MS4 Permit to allow the reader to better understand the Town of Williston Stormwater Management Program and the MS-4 Permit. This will also ensure that the Town covers all the new mandates within the new Permit.

The coverage for permit 3-9014 is based on the entire public area and public right of way within the Town of Williston being determined as a small MS4 urbanized area and a limited number of incorporated individual permits.

MS4 Discharge Watersheds

The Town of Williston is comprised of 7 separate watersheds including one major river three major streams, one minor stream, one lake, and one pond: the Winooski River, Sucker Brook, Allen Brook, Muddy Brook, Johnnie Brook, Lake Iroquois, and Shelburne Pond (Figure 1). The Muddy Brook fails State water quality standards for toxics, nutrients, and temperature and an individual tributary fails water quality standards for excess chloride. Portions of the Allen Brook fail State water quality standards for stormwater and *E. coli*.

Figure 1 Williston's Watersheds



Part 4: Discharge Requirements

4.1 Discharges

The Town of Williston implements and enforces a program to reduce the discharge of pollutants to waterways throughout the municipality through multiple approaches including, but not limited to, the following ordinances and bylaws;

- [Ordinance Regulating the Use of Public and Private Stormwater Systems](#)
- [Chapter 29 of the Unified Development Bylaws: Watershed Health](#)
- [Public Works Standards and Specifications](#)

4.2 Discharges to Impaired Waters

Williston actively manages all discharge covered by this permit to impaired waters with an approved TMDL. The Town controls discharges consistent with the assumptions and requirements of any wasteload allocation (WLA) applicable to the permittee in the TMDL.

See Sections 8.1 Stormwater Flow Restoration Plan (FRP) and 8.2 Lake Champlain Phosphorus Control Plan (PCP) Requirements for additional details regarding these TMDLs.

Watershed Body ID VT08-02, Muddy Brook Tributary #4 and Tributary to Tributary is impaired due to elevated instream Chloride Levels.

The town of Williston will implement, to the best of our ability, the BMP and tracking requirements for the municipally maintained surfaces listed in the Final chloride guidance titled “Guidance for Developing Response Plans Pursuant to Part 4.2.B of the MS4 GP: Discharges to Impaired Waters without an Approved TMDL” and dated 1/10/19. Additionally, for the privately owned facilities within our municipal boundaries, Williston DPW will both prepare public education documentation to private applicators and work with the Town Selectboard to consider implementing an ordinance, bylaw, or other regulatory mechanism requiring measures to prevent exposure of any salt stockpiles to precipitation and runoff at all commercial and industrial properties within the regulated area.

Shelburne Pond is listed as impaired due to phosphorus contributions. While Williston does contain a portion of the Shelburne Pond watershed within our municipal boundaries, the only municipal town highway contribution is for a portion of South Brownell Road that is approximately 0.2 mi in length and 25 ft wide resulting in a total impervious area of 26,400 ft² (0.6 ac) of impervious. Due to the de minimus nature of the town’s contribution to this impairment we plan no direct action towards the Shelburne Pond’s Response Plan.

4.3 Discharges to High Quality Waters; anti-degradation

As applicable, all waters shall be managed in accordance with the Anti-Degradation Implementation Procedure to protect, maintain, and improve water quality

Part 6: Minimum Control Measures

See Attachment A for a summary table of the minimum control measures (MCMs) requirements including the names of responsible parties, other entities implementing the MCMs, measurable goals, timeframe, and the rationale for each BMP.

6.2 Minimum Control Measures

1. PUBLIC EDUCATION AND OUTREACH ON STORMWATER IMPACTS

The Town of Williston in partnership with the Chittenden County Regional Planning Commission (see Attachment B) is a participant in Rethink Runoff Program <http://rethinkrunoff.org/>. The Town of Williston stormwater page will be periodically updated with permit required reports as well as appropriate local, regional and state information as deemed necessary for compliance https://www.town.williston.vt.us/index.asp?Type=B_BASIC&SEC={ACC6B21E-0FDB-497F-8A5A-62CDDFF871272}.

2. PUBLIC INVOLVEMENT/PARTICIPATION

Through the Rethink Runoff program (See Attachment B), the Chittenden County Stream Team (CCST) facilitates our public involvement/participation efforts <http://rethinkrunoff.org/the-stream-team/>.

3. ILLICIT DISCHARGE DETECTION AND ELIMINATION

The Public Works department has a comprehensive record and maintenance of storm infrastructure. Staff and citizen reporting will remain the primary method of reporting of illegal dumping of waste materials into storm drainage systems. Residents readily report suspect activity. Staff investigates all events reported.

Periodic screening of outfalls will occur a minimum of once per permit cycle. Methods used to test will include both physical and chemical means.

Local businesses are presently educated about proper waste disposal practices by the Chittenden Solid Waste District (CSWD). The Town of Williston will continue to explore additional education partnerships to reinforce the hazards associated with the illegal and improper disposal of wastes.

The Town of Williston utilizes an outreach brochure on an as needed basis in neighborhoods where illicit discharges are discovered.

4. CONSTRUCTION SITE STORMWATER RUNOFF CONTROL

The Town of Williston Bylaws and Public Works Standards and Specifications already regulate construction disturbing less than 1 acre and for project sites disturbing from 1 to 5 acres as required. Williston has incorporated the State's Low Risk Site Handbook for Erosion Prevention and Sediment Control by reference as part of the above mentioned regulatory documents. Construction monitoring activity is conducted by the Town of Williston staff as normal procedure. Inspection activity will be reported annually each April.

5. POST-CONSTRUCTION STORMWATER MANAGEMENT IN NEW DEVELOPMENT AND RE-DEVELOPMENT AREAS

Williston developed a Post-Construction Stormwater Runoff from New Development and Redevelopment projects during the last permit cycle. Expired permits will be addressed as required in compliance with the permit schedule.

As part of the Town of Williston design review processes, long-term maintenance of any proposed infrastructure is considered as part of the design review and approval process. Any utilities or infrastructure designed for turn over to the Town of Williston shall meet or exceed Town and State standards in order to be accepted as Town infrastructure and are taken under the MS4 permit compliance. The same design requirements are required for private infrastructure as well.

All Projects constructed within the community are subject to engineers' inspection and periodic staff inspection as part of the existing permit structure.

The Town of Williston Bylaws already contains language that encourages use of low impact design "to the maximum extent practical given the sites soil characteristics, slope and other relevant factors" (Section 513D of LDC). These provisions will be reviewed and improved as deemed necessary in compliance with permit requirements.

6. POLLUTION PREVENTION/GOOD HOUSEKEEPING FOR MUNICIPAL OPERATIONS

Williston operates and maintains their stormwater collection infrastructure with necessary repairs, continuous upgrades, and utilizes asset management processes to best focus limited resources. In compliance with the requirements of the General Permit 3-9014 process, the Town performs the following actions;

- maintaining oil/water separator are currently in place for all garage spaces and other areas with floor drains at both Public Works and Wastewater facilities,
- maintaining CEG (Conditionally Exempt Generator) status at Public Works,
- street sweeping and catch basin cleaning in compliance with BMP's/operating standards, and
- proper and authorized disposal of catch basin and street sweeping materials.
- Street Sweeping: Twice annually (spring and fall) sweeping of Williston's curbed town highway streets to remove silt and sediment: Sweeping activity does not include non-curbed town highway, private streets, state or Federal property or Right of Way.

- Catch Basins: Twice annually (spring and fall), a portion of Williston’s catch basins are inspected and cleaned according to a rotating schedule. Additionally, a portion of catch basins are inspected to ascertain when the functional volume of the sump approaches or exceeds 50% of its rated capacity. If the functional volume is exceeded, these catch basins are cleaned on an as needed basis.

All materials collected during street sweeping and catch basin cleanings are disposed in compliance with applicable rules and regulations.

Part 7: Assumption of Responsibility for Previously Permitted Stormwater Systems

The Town of Williston will incorporate valid individual stormwater permits on an as needed basis, including projects contained within the state Approved Allen Brook Flow Restoration Plan (FRP). As of the date this document was last updated (see footer) the list of incorporated permits are shown in Table 1.

Table 1: Permits Incorporated into the Town of Williston General Permit

Permit #	Permit Name	Year Incorporated
5593-9010	Blair Park	2016
4201-9010	Marshall Ave Ext	2016

Part 8: TMDL Implementation

8.1 Stormwater Flow Restoration Plan (FRP)

Allen Brook is currently on the State's list of [Impaired Waters of the State](#) as impaired due to stormwater. The accepted FRP was prepared to identify stormwater treatment practices (including retrofits to existing practices) that will be implemented in an effort to achieve established EPA approved Total Maximum Daily Load (TMDL) Targets for Allen Brook and eventually allow Allen Brook to be removed from the State’s Stormwater Impaired List.

2016 FINAL FRP

The 2016 Final [Allen Brook Flow Restoration Plan](#) is available along with the following Appendices: [A- Watershed Map](#), [B - Expired Permits](#), [C - Town Sites](#), [D - VTrans Sites](#), [E - VTDEC Model Run Summary](#), [F - Tetra Tech Memo](#), [G - Stormwater Agreements](#), [H - VTrans MOU](#).

8.2 Lake Champlain Phosphorus Control Plan (PCP) Requirements

Williston will develop and implement a PCP, for approval by the Secretary, for developed land consistent with the Lake Champlain TMDLs. At a minimum, the PCP shall be designed to achieve a level of phosphorus reduction equivalent to the percent reduction target for developed land in the associated TMDL lake segment(s) as applied to municipally-owned developed lands.

In general, the creation of the PCP will consist of a planning process that:

- includes a review of PCP requirements and phosphorus reduction targets for Williston,
- classifies the sources of phosphorus loading in our community using TMDL guidance,
- identifies projects that have the potential to result in reductions in phosphorus loading,
- evaluates which projects will result in significant reductions in phosphorus loading,
- considers improvements that strike the appropriate balance between cost and efficiency,
- selects the projects most suited to Williston,
- estimates the cost of full compliance with permit requirements based on selected projects, and
- considers updates to bylaws and ordinances that includes the treatment of non-municipally-owned developed lands.

8.3 Municipal Road Requirements

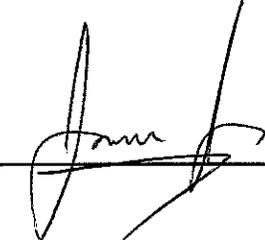
With support from the Chittenden County Regional Planning Commission the Town of Williston has completed and continues to revise and update a Road Erosion Inventory (REI) of all hydrologically-connected road segments within the municipality. All segments found to be out of compliance with road stormwater management standards will be upgraded in order of priority utilizing the appropriate BMPs laid out in the General Permit.

Plan Certification

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information submitted is, to the best of my knowledge and belief, true accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

 _____ Date 1/17/19

Bruce Hoar
Public Works Director
Town of Williston

 _____ Date 1/17/19

James Sherrard
Stormwater Coordinator
Town of Williston

Attachment A

Williston 2019 SWMP



Attachment A: Minimum Control Measure Summary Table

	BMP	Timeframe	Measurable Goal	Rationale	Responsible Party
MC01	Participate in a regional stormwater education strategy or develop an MS4 specific program	Ongoing	<u>Participate in and provide financial support for operation of the regional Rethink Runoff campaign consisting generally of periodic advertisements throughout each year supplemented by a survey of residents every 5 years to track reported behavior with regards to residential stormwater BMPs via an annual report provided by the Chittenden County RPC's subcontractor. The permittee will document annual number of site visits to www.rethinkrunoff.org as well as other metrics.</u>	<u>Support of the campaign will educate the general public in the MS4 area about key stormwater quality issues by using TV, radio, online media placements/advertising to drive viewers to the www.rethinkrunoff.org website.</u>	Town and CCRPC
	Provide biodegradable pet waste bags to community	ongoing	Number of bags purchased	Providing pet waste bags to residents make it easy to pick up after their pets and allows the opportunity for water quality education by having information signage or brochures included with the bags.	Town
	Install/Maintain pet waste dispensers	ongoing	Number of pet waste dispensers	Providing residents with an area to dispose of pet waste encourages them to pick up after their pets by being able to dispose of the waste easily while walking, keeping the pollutant out of the watershed.	Town
	Update website to contain current stormwater & water quality information	Ongoing; At minimum semi-annually	Number of visits to the website	Providing the a central location for the community to go to gather education on stormwater and water quality issues, events, projects occurring in the municipalities	Town
	Review of by-laws to ensure consistency with LID practices as they apply to community and compliance goals	By 2023	Percentage of by-laws reviewed	To encourage residents, developers, and businesses to implement LID practices through codes and ordinances reducing stormwater runoff and improving water quality.	Town
MC02	Participate in a regional stormwater public involvement and participation strategy or develop an MS4 specific program	Ongoing	The permittee will participate in and provide financial support for operation of the Rethink Runoff Stream Team consisting generally of both outreach and hands-on participation events in various MS4 towns on a rotating annual basis via an annual report provided by the Chittenden County RPC's subcontractor. The permittee will document on an annual basis the number of participants and/or persons contacted by outreach events and hands-on activities through the Rethink Runoff Stream Team.	Through support of the Stream Team, the regional campaign's "action arm", the permittee will support the engagement of local residents in the MS4 area via outreach events and via hands-on participation events.	Town and CCRPC
	Participate in Vermont Green-up Day or organize stream clean-up day	Annually	Bags handed out	Encourage & educate residents about the importance of stream corridor health and its relation to water quality	Town
MC03	Maintain & improve storm sewer GIS map	ongoing	Updated storm sewer maps available	Updated storm sewer maps will ensure efficiency in identifying illicit discharges.	Town
	Review of Stormwater Ordinance & by-laws to effectively prohibit illicit discharge	By 2023	Number of updates made	Ensure that appropriate procedures and actions are in place to prohibit illicit discharges into the MS4 system	Town
	Review IDDE document & program	annually	Number of changes made	To improve water quality through an effective, proactive and current IDDE program	Town
	Provide education materials related to hazards associated with illicit discharges	ongoing	Number of doortags placed; Number of IDDE brochures handed out; Number of public notices	To educate residents about the hazard of illicit discharge, importance of proper disposal of waste and protect water quality	Town
	Illicit Discharge Detection & Elimination Program	ongoing	Number of discoveries or complaints; Number resolve; Number of water quality test conducted or samples collected;	To improve water quality through an effective, proactive and current IDDE program.	Town
MC04	Inspect construction sites for compliance with stormwater construction permits	ongoing	Number of construction site complaints or issues discovered	To ensure construction projects are in compliance with their State or local stormwater construction permits and are properly protecting water quality	Town
	Review existing policies, codes & ordinances to ensure compliance with State/federal requirements in relation to construction activities and erosion control/stormwater mitigation	By 2023	Number of policy revisions	Determine the effectiveness in managing construction related erosion and stormwater control; Ensure consistency with State's general stormwater permit	Town
	Review existing policies, by-laws, ordinances to ensure projects below State/Federal jurisdiction are covered in relation to construction site erosion control activities /stormwater mitigation	By 2023	Number of policy revisions	Protect water quality through effective management of construction related erosion and stormwater	Town
MC05	Inspect post-construction sites for compliance with stormwater stabilization control requirements	ongoing	Number of post-construction site complaints or issues discovered	To ensure post-construction sites are in compliance with State & municipal site stabilization requirements improving water quality	Town
	Review existing policies, planning, zoning, subdivision regulations & ordinances	By 2023	Number of policy changes made	To determine their effectiveness in managing stormwater runoff to minimize adverse impacts to water quality; To ensure their consistency with their requirements with State rules and general permits and to identify gaps.	Town
MC06	Inspect and clean catch basins	annually	Number of catch basins cleaned; Amount of material removed in yards	Periodic inspections will ensure that the stormwater system is functioning properly and will reduce the amount of pollutants entering into waterways.	Town
	Conduct street sweeping	Spring/Fall/As-needed	Number of lane miles swept; Yards of material collected	To reduce the amount of sediment and pollutants (including phosphorus) entering the MS4 stormwater system	Town
	Inspect outfalls	annually	Number of outfalls inspected	Periodic inspections will ensure that the stormwater system is functioning properly and will reduce the amount of pollutants entering into waterways.	Town
	Inspect MS4 permitted infrastructure	annually	Number of STP inspections; Number of STPs maintained	Regular inspections will ensure that the stormwater system is functioning properly and will reduce the amount of pollutants entering into waterways	Town
	Installation of STPs	2023	Number of STPs installed	To comply with State approved Indian Brook & Sunderland Brook FRPs including the TMDL's for Indian & Sunderland Brooks	Town
	Installation of retrofitted STPs	2023	Number of STP's retrofitted	To comply with State approved Indian Brook & Sunderland Brook FRPs including the TMDL's for Indian & Sunderland Brooks	Town
	Installation of "No Dumping, Drains to Waterways" markers or painted stencils on catch basins	annually	Number of "No Dumping, Drains to Waterways" markers installed; Number of basins stenciled	To bring awareness to residents about the MS4 separate stormwater system and its direct connection to water quality	Town
	Participation the Agency's Municipal Compliance Assistance Program	Once per permit cycle	Provide documentation of compliance	To comply with MS4 permit	Town

Attachment B

Williston 2019 SWMP



**CHITTENDEN COUNTY MS4
STORMWATER PROGRAM AGREEMENT
EFFECTIVE July 1, 2017
Amended effective July 1, 2018**

Preamble

This Stormwater Program Agreement (“Agreement”) is entered into by and between a group of Municipal Separate Storm Sewer System (“MS4”) permittees (“MS4 Permittees”) and the Chittenden County Regional Planning Commission (“CCRPC”) to operate an MS4 Stormwater Program (“Program”) that conforms with and satisfies the relevant requirements of both Minimum Control Measure One (Public Outreach and Education) and Minimum Control Measure Two (Public Involvement and Participation) of the Phase II NPDES Permit issued by the Vermont Department of Environmental Conservation (“DEC”) on December 2012 through General Permit 3-9014 (“MS4 Permit”), as these requirements may be continued, renewed, amended, or otherwise modified during the term of this Agreement.

1. **Prior Agreements** – Effective July 1, 2017, this Agreement
 - a. supersedes an MOU signed by the CCRPC and twelve MS4 permittees, effective March 10, 2013 through March 9, 2018, governing the operation of a Regional Stormwater Education Program to satisfy the relevant requirements of Minimum Control Measure One (Public Outreach and Education), and
 - b. supersedes an MOU signed by the CCRPC and eleven MS4 permittees, effective July 1, 2011 through June 30, 2016, and an amendment to this MOU extending its effective date through June 30, 2017, governing the operation of a Regional Stormwater Public Involvement and Participation Program to satisfy the relevant requirements of Minimum Control Measure Two (Public Involvement and Participation).
2. **Service Agreement** – This Agreement constitutes a service agreement pursuant to 24 V.S.A. § 4345b (Intermunicipal Service Agreements).
3. **Definitions**—For purposes of this Agreement, the term “MS4 Permittees” includes the Vermont Agency of Transportation, which on December 28, 2016 became eligible for coverage under General Permit 3-9007 for Stormwater Discharges from the State Transportation Separate Storm Sewer System (TS4).
4. **Parties** – The following are the parties to this Agreement:
 - a. **MS4 Permittees** – the undersigned MS4 Permittees, and
 - b. **CCRPC** – the undersigned regional planning commission.
5. **MS4 Steering Committee**
 - a. **Composition** – The Members of the Steering Committee shall consist of one representative from each of the signatory MS4 Permittees to this Agreement. Another MS4 permittee may request

to join this Agreement if approved by a two-thirds vote of the Members. The Members shall be appointed either by the governing bodies of their municipalities at publicly warned meetings or, if a Member representing an MS4 Permittee is non-municipal agency, via a process consistent with that agency's policies. At its first meeting, the Steering Committee shall elect a Chair by a majority vote. The Chair shall serve until such time as the Chair resigns or the Steering Committee elects a new Chair.

- b. **Duties** – The Steering Committee shall direct the CCRPC on the development and performance of Program Services in particular and on all other matters bearing on the administration of this Agreement. All actions of the Steering Committee shall be by majority vote unless otherwise specified in this Agreement.
- c. **Organization of Meetings** – The Steering Committee shall meet on a quarterly basis at a minimum. The CCRPC shall provide Steering Committee Members with reasonable notice of meetings. Notice shall include a meeting agenda and draft meeting minutes. In addition, the CCRPC shall post notice of Steering Committee meetings on its website and on the Program website.

6. CCRPC

a. **Duties** – The CCRPC shall:

- 1) Administer this Agreement and agreements with contractors (including executing contracts approved by the Steering Committee, receiving and disbursing funds, and monitoring the provision of services) for the benefit of the MS4 Permittees.
- 2) Provide other services contributing to the operation of the Program (including, but not limited to, social media management, public relations, grant writing, creating and managing a Program website, organizing meetings as set forth in Section 4.c, above, etc.) as directed by the Steering Committee; and at a level consistent with each year's Program Budget as described in Section 8.b, below.
- 3) Provide a quarterly budget report to the Steering Committee detailing expenses the CCRPC incurred and the payments it has received.
- 4) Pay contractors and vendors for charges consistent with the relevant contract, using funds from the Program Budget, as defined in Section 8, below.
- 5) Upon approval of the Steering Committee or its designee, reimburse itself for personnel and other expenses for charges consistent with its duties, using funds from the Program Budget.
- 6) Consult with the Steering Committee prior to authorizing any contractor activities or charges outside the scope of work of a contract.
- 7) Notify the Steering Committee when 75% of the annual budget (as defined in Section 8, below) for an individual category of expenses (e.g., contractors, CCRPC fees, advertising, etc.) is reached. When these levels are reached, subsequent expenditures by the CCRPC in that category shall be reviewed and approved by the Steering Committee Chair in advance.

- 8) At the request of the Steering Committee, assign any or all contracts that the CCRPC has entered into pursuant to this Agreement to the MS4 Permittees who are signatories to this Agreement at the time or to another contractor of the Steering Committee's choosing.
 - 9) Comply with all applicable federal, state, and local laws, including Burlington's Livable Wage Ordinance as applicable.
- b. **Compensation** – Through the Program Budget, the MS4 Permittees shall compensate the CCRPC for the actual costs of performing its duties defined in Section 5.a, above; provided, however, that the CCRPC shall not be entitled to compensation that would exceed ten percent (10%) of the Program Budget as specified in Section 8.b, below, without the prior approval of a majority of the Steering Committee.
 - c. **Invoices** – The CCRPC shall invoice the Program to cover personnel charges, mileage reimbursement, and other direct expenses necessary to perform its duties. Personnel charges for CCRPC staff shall be calculated at a rate of salary plus fringe plus CCRPC's applicable indirect rate as required by 24 V.S.A. § 4345b. As set forth in Section 5.b, above, upon approval of the Steering Committee or its designee, the CCRPC may reimburse itself for charges consistent with its duties, using funds from the Program Budget.

7. Selection of Contractors

- a. The CCRPC, in consultation with the Steering Committee, shall competitively bid for contract(s) for Program services that collectively satisfy the requirements for Minimum Control Measure One (Public Outreach and Education) and Minimum Control Measure Two (Public Involvement and Participation) of the Phase II NPDES Permit then in effect. The parties to the contracts shall be the contractors and the CCRPC. All contracts shall require the contractor to indemnify and hold harmless the MS4 Permittees from any claims related to the contract and to procure and maintain liability insurance for all services performed under the contract.
- b. All contracts shall be awarded based on qualifications, price, and the ability of the entity to provide services that meet the relevant MS4 Permit requirements. The selection of contractors shall comply with the procurement policy of the CCRPC and with applicable state and federal procurement laws and procedures.
- c. Contracts shall generally be 1 to 5 years in length and shall include, but not be limited to, a Maximum Limiting Amount and the right of the CCRPC to 1) cancel a contract if services are not being adequately provided, 2) specify that payments to contractors shall be made only for services rendered, 3) specify the annual scope of work and budget as approved by the Steering Committee, 4) allow a contract extension if desired, and 5) assign the contract to the MS4 Permittees that are signatories to this Agreement at the time of the assignment or to a contractor of the Steering Committee's choosing.
- d. Contracting for services under this Agreement shall comply with the Fair Employment Act and Americans with Disabilities Act: the CCRPC shall comply with the requirement of Title 21 V.S.A Chapter 5, Subchapter 6, relating to fair employment practices, to the full extent applicable. The CCRPC shall also ensure, to the full extent required by the Americans with Disabilities Act of

1990, that qualified individuals with disabilities receive equitable access to the services, programs, and activities provided by the Steering Committee under this Agreement. This provision shall also be included in all contracts and subcontracts executed under this Agreement.

e. The CCRPC and the Steering Committee recognize the important contribution and vital impact which small businesses have on the State's economy. In this regard, the CCRPC shall ensure a free and open bidding process that affords all businesses equal access and opportunity to compete, except under circumstances where competitive bidding may not be practicable and is not required by applicable procurement policies. The CCRPC and the Steering Committee also recognize the existence of businesses owned by minorities and women, and the CCRPC shall make a good faith effort to encourage these firms to compete for contracts involving state or federal funds and comply with applicable law relating to civil rights and disadvantaged business enterprises.

8. **Program Services** – The Steering Committee, assisted by the CCRPC and its contractors, shall implement a unified Program that satisfies the relevant requirements of Minimum Control Measure One (Public Education and Outreach) and Minimum Control Measure Two (Public Involvement and Participation) of the MS4 Permit.

The Program Content for each Program Year shall be as defined in writing by a majority of the Steering Committee. The Program Year shall be the State of Vermont's fiscal year. The Program Content shall implement the following deliverables:

a. **Public Education and Outreach** – Elements shall include, at a minimum:

- 1) operating the Program's website, www.smartwaterways.org, or its equivalent; and
- 2) advertising in various media.

b. **Public Involvement and Participation** – Elements shall include, at a minimum:

- 1) operating the Program's website, www.ccstreamteam.org, or its equivalent;
- 2) hosting and/or organizing workshops, projects, and other events to engage the public; and
- 3) recruiting volunteers to support projects, promote events, and/or engage the public.

c. **End of MS4 permit year annual reporting** – Elements shall include preparation of a narrative report 25 business days prior to the MS4 Permittees' reporting deadline to DEC.

9. **Program Dues, Budget, Costs, and Payments**

a. **Dues**

- 1) For State Fiscal Year, FY18, July 2017-June 2018, the annual dues for each of the undersigned MS4 Permittees shall be \$5,500.

- 2) For the following fiscal years, the annual dues shall be set by a two-thirds majority by October 15th of the preceding calendar year. In the absence of agreement, the dues shall remain at \$5,500.
- 3) The CCRPC shall invoice each MS4 Permittee on or about July 1st of each year with payment to the CCRPC due 30 days later.
- 4) All Members shall pay equal dues.

b. Program Budget

- 1) The annual Program Budget shall consist of the sum of the annual payments for each Program Year made by MS4 Permittees, plus any funds from other sources made available to the Program by majority vote of the Steering Committee.
- 2) Prior to the start of each Program Year, the Steering Committee shall adopt a Program Budget governing expenditures for the subsequent Program Year. Budget categories shall include, but not be limited to: CCRPC Duties, Contractual Services, and Expenses.
- 3) Once the Program Year starts, a majority of the Steering Committee may amend the Program Budget as needed, for example to reflect any surplus or deficits from the prior Program Year, receipt of new sources of funds, or a desired change in the Program Budget, subject to Section 8.a, above.
- 4) In the event that costs are less than anticipated or that grants or other funding sources become available, a majority of the voting Members of the Steering Committee may decide to reduce each Member's payment by an equal amount or to credit all or part of the following Program Year assessment to each MS4 Permittee.

c. **Maximum Annual Costs and Payments** – Except as otherwise provided by this section, each MS4 Permittee shall within 30 days of receipt of an invoice make a single annual dues payment, as provided by Section 8.a, above.

d. **Other Funds** – Any funds made available to the Program shall be dedicated to reducing the annual costs of each MS4 Permittee participating in the Program, except as a majority of the voting Members of the Steering Committee may decide.

e. **Excess Funds** – Any funds remaining at the end of a Program Year shall be carried over to the next Program Year, unless a majority of the voting Members of the Steering Committee decides otherwise.

f. **Non-appropriation** – The obligations of each MS4 Permittee to make payments under this Agreement shall constitute a current expense of the MS4 Permittee and shall not in any way be construed to be a debt of the MS4 Permittee in contravention of any applicable constitutional or statutory limitation or requirement, or the MS4 Permittee's charter or articles of incorporation; nor shall anything contained in this Agreement constitute a pledge of the credit or tax revenues, funds, or monies of the MS4 Permittee. The decision whether or not to budget and appropriate funds during each fiscal year of the MS4 Permittee is within the discretion of the governing body

of the MS4 Permittee. The obligations of a MS4 Permittee under the Agreement are subject to annual appropriations by the governing body of the MS4 Permittee, except as provided by Section 12 of this Agreement. An MS4 Permittee cannot choose to not appropriate funds and then withdraw in a manner that shifts prior contractual obligations on to the others. Non-appropriation will be considered withdrawal and must be prospective in fairness to all signatories as per Section 13.

10. **Contract Approval** – All CCRPC contracts shall be conditioned upon approval by a majority of the voting Members of the Steering Committee and shall be consistent with Section 6, above.
11. **Termination of CCRPC** – The CCRPC on its own or the Steering Committee by a majority vote of its full Membership may elect to terminate the CCRPC’s future participation in this Agreement by providing 90 days’ written notice to the other. In the event of termination under this section, the CCRPC shall continue to administer and comply with each existing contract, and the MS4 Permittees shall continue to reimburse the CCRPC from the Program Budget for the actual costs of administering and complying with each contract, as provided by this Agreement, unless and until the CCRPC assigns the contract pursuant to Sections 5.a.8 and 6.c of this Agreement.
12. **Termination of Agreement**
 - a. This Agreement shall become null and void with no further obligation of the parties if:
 - 1) Two-thirds of the Members of the Steering Committee vote to end participation, or
 - 2) DEC determines that the Program outlined in this Agreement does not meet the relevant requirements for Minimum Control Measure One (Public Education and Outreach) or Minimum Control Measure Two (Public Involvement and Participation), and the parties to this Agreement are unable to craft a Program to satisfy DEC.
 - b. In the event of termination, any funds remaining in the Program Budget (after payment of obligations to vendors or to satisfy debts) shall be reimbursed to the MS4 Permittees with each MS4 Permittee receiving a share proportional to the number of MS4 Permittees at the time of termination. For example, if there are twelve MS4 Permittees at the time of termination, each MS4 Permittee shall receive a 1/12th share.
13. **Withdrawal of Member** – An MS4 Permittee may withdrawal from participation in this Agreement only at the end of a state fiscal year. If an MS4 Permittee wishes to withdrawal from participation, it shall provide at least 90 days’ notice to the other MS4 Permittees and the CCRPC. After withdrawal, a MS4 Permittee shall remain responsible for its share of the costs of contracts that the Steering Committee approved prior to the effective date of the withdrawal.

14. **Effective Date and Duration of Agreement** – The effective date of this Agreement shall be July 1, 2017, and this Agreement shall terminate June 30, 2022.
15. **Amendment** – This Agreement may be amended only upon unanimous action of all the Members.
16. **Counterparts** – This Agreement may be executed in multiple counterparts, each of which is deemed an original and all of which constitute one and the same document. Each such counterpart may be a facsimile or PDF copy, and such facsimile or PDF copy shall be deemed an original.
17. **Public Records** – Any and all records submitted to the CCRPC or MS4 Permittees - including Bids, Proposals, Qualifications, Contracts, etc.-- whether electronic, paper, or otherwise recorded, are subject to the Vermont Public Records Act.

Signature of CCRPC


 Christopher D. Roy, Board Chair, Chittenden County Regional Planning Commission Date 5/24/18

Signatures of Members

_____ Name	_____ Title	The Burlington International Airport	_____ Date
_____ Name	_____ Title	The City of Burlington	_____ Date
_____ Name	_____ Title	The Town of Colchester	_____ Date
_____ Name	_____ Title	The Town of Essex	_____ Date
_____ Name	_____ Title	The Village of Essex Junction	_____ Date
_____ Name	_____ Title	The Town of Milton	_____ Date



Joe Colangelo Town Manager The Town of Shelburne

6-March-2018

Date

Name Title The City of South Burlington

Date

Name Title Vermont Agency of Transportation

Date

Name Title The University of Vermont

Date

Name Title The Town of Williston

Date

Name Title The City of Winooski

Date

Name Title The Town of Shelburne Date

Helen Rippee Chair

4/2/18

Name Title The City of South Burlington

Name Title Vermont Agency of Transportation

Date

Name Title The University of Vermont

Date

Name Title The Town of Williston

Date

Name Title The City of Winooski

Date

Name Title The Town of Shelburne Date

Name Title The City of South Burlington Date

Name Title Vermont Agency of Transportation Date

Linda Seavey
Linda Seavey, Director, Campus Planning Services The University of Vermont
3/28/2018
Date

Name Title The Town of Williston Date

Name Title The City of Winooski Date

Name Title The Town of Shelburne Date

Name Title The City of South Burlington Date

Name Title Vermont Agency of Transportation Date

Name Title The University of Vermont Date

Richard McGuire Town Manager  3/21/18
Name Title The Town of Williston Date

Name Title The City of Winooski Date

Name Title The Town of Shelburne Date

Name Title The City of South Burlington Date

Name Title Vermont Agency of Transportation Date

Name Title The University of Vermont Date

Name Title The Town of Williston Date

Jessie Baker *City Manager* _____ *3/23/18*
Jessie Baker - City Manager The City of Winooski Date