

Stormwater Task Force

Department of Public Works
Department of Planning & Zoning
Department of Community & Economic Development
Department of Parks & Recreation
Department of Schools
City Attorneys Office
Code Enforcement Office



TO: City Council
FROM: Stormwater Task Force
DATE: October 6, 2008
RE: Proposed Stormwater Program

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The Mayor's Stormwater Task Force has been meeting for almost two years now. We've been charged with assessing current regulations and practices as they pertain to stormwater management within the city and with producing solutions to identified deficiencies. Effective stormwater management is key to water quality in Lake Champlain, which is an environmental and economic resource we cannot afford to compromise. The Task Force has identified two major deficiencies:

- Existing regulations
- Existing funding and staffing

Existing regulations are disjointed and located in a variety of different documents under different departments. They are not comprehensive and have wide gaps, particularly with respect to post-construction stormwater management and enforcement. Most importantly, they do not pass muster with the city's present state and federal stormwater permit requirements. These permits are:

- The Combined System (CS) permit
- The Separate Storm System (MS4) permit

The MS4 permit, in particular, drives stormwater management in affected cities and regions. This permit articulates several mandatory minimum control measures to curb non-point source pollution generated by stormwater. Present conditions in the city do not meet all of the required minimum control measures.

Existing funding and staffing is insufficient to meet our stormwater permit requirements. There is no dedicated funding for stormwater. The city presently spends about \$405K annually on stormwater. This money comes from the capital street program, general fund, and wastewater. Similarly, there is no dedicated stormwater staff within any city department. Existing staff in several city departments deal with stormwater matters in a piecemeal fashion, whereas mounting state and federal permit requirements necessitate a dedicated, comprehensive approach. As with other city infrastructure, the city's stormwater infrastructure is aging and in need of repair and replacement.

In order to comply with state and federal regulations, we have drafted a comprehensive rewrite of the existing Chapter 26, Sewers & Water Pollution Control. Chapter 26 has been expanded to incorporate all of the proposed stormwater regulations in one document. These proposed regulations include:

- Updated wastewater provisions
- Municipal administration of wastewater permits
- New stormwater sections to address
 - Administration and execution

- Illicit discharges and connections
- Construction site erosion control
- Post-construction stormwater management
- Enforcement

The Comprehensive Development Ordinance (Sec. 5.5.3) addresses construction site erosion control but little else. Upon adoption of the revised Chapter 26, Sec. 5.5.3 would be replaced with a reference to Chapter 26.

The wastewater sections of Chapter 26 will be revised to reflect the decision to pursue municipal delegation of wastewater permitting. Wastewater permits are presently administered by the state. Beginning July 1, 2007, every parcel of land came under the authority of the state's on-site wastewater & potable water supply system program. As a result, a state permit is needed for most repairs, upgrades, and new construction of on-site wastewater treatment and disposal facilities, and connections to municipal water distribution and wastewater collection systems. Delegation of the state's regulatory program means that the state would transfer administration of its wastewater systems permit program to the city if the city makes a request in writing and meets specific criteria. Currently the city participates in project review and the writing of letters of sufficient capacity or allocation for the water and wastewater systems. Assuming the additional responsibility of permit administration is feasible if incorporated into a package with the proposed stormwater program. It will capture permit fees presently going to the state and will provide one-stop-shopping for applicants.

The proposed stormwater regulations are comprehensive and address the minimum state and federal permit requirements facing the city. However, the proposed regulations cannot reasonably be implemented with existing funding and staffing levels. We estimate that an annual budget of close to \$1 Million is needed for funding stormwater management. This money would fund:

- Maintenance
- Equipment
- Engineering
- Capital replacement
- Staffing thereof

The proposed stormwater program would be administered by the Dept. of Public Works. We have deliberately avoided the establishment of a stand-alone stormwater utility in an effort to keep overhead down.

We have considered a variety of options for stormwater funding and conclude that a stormwater user fee based on impervious surface is the best, most equitable option. It links user costs directly to impacts and applies to tax-exempt properties. Essentially, the greater the degree of hard surface on a property, the higher the fee would be. Such a fee is commonplace in the United States. Based on a 2007 Stormwater Utility Survey of 71 utilities in 22 states, 65% used impervious area as the basis for their user fees. Neighboring South Burlington uses such a fee. In Burlington, Lidar information was used to calculate impervious surface areas on every property. That data has been categorized by land uses such as single family homes, commercial, institutional, etc. For every parcel, impervious surface has been broken down into impervious surface units (ISU). One ISU = 1,000 square feet of impervious surface. Properties would pay the stormwater user fee based on

their number of ISUs. The estimated annual budget could be supported by an annual ISU fee of between \$13 and \$15. A flat fee is proposed for:

- Single family homes (~ \$37 per year)
- Duplexes (~ \$37 per year)
- Triplexes (~ \$43 per year)

The moderate variability of impervious surfaces among these property types supports the application of a flat fee. The variability among other property types is too great to justify a flat fee. These other property types would pay a fee based on the exact impervious surface on a particular property. An appeals process is articulated in the proposed regulations for individuals wishing to contest the city's ISU determination for any given property not subject to a flat fee.

Credits will be available for:

- UVM separate non-traditional MS4 system
- Onsite stormwater management with credit manual
- Reduction of impervious surface

This proposal reflects the input of a wide variety of groups, including environmental non-profits, city boards and commissions, city departments, NPAs, the state, and a local business association. At this point, we've come up with regulations that comply with federal and state permit requirements and a fair, reasonable funding mechanism to implement them. We look forward to your support.

Stormwater Task Force Members:

- Scott Gustin, Co-Chair, Dept. of Planning & Zoning
- Laurie Adams, Co-Chair, Dept. of Public Works
- Steve Goodkind, Dept. of Public Works
- Norm Baldwin, Dept. of Public Works
- Steve Roy, Dept. of Public Works
- Scott Mapes, Conservation Board
- Gene Bergman, City Attorney's Office
- Kathleen Butler, Code Enforcement Office