

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20

H.761

Introduced by Representatives Fagan of Rutland City, Harrison of Chittenden,
Scheuermann of Stowe, Brennan of Colchester, Gamache of
Swanton, McFaun of Barre Town, and Page of Newport City

Referred to Committee on

Date:

Subject: Conservation and development; water resources; stormwater; three-
acre impervious surface permit

Statement of purpose of bill as introduced: This bill proposes to extend by two
years the required date by which coverage under a general permit shall be
sought for a discharge of stormwater from impervious surface of three or more
acres in size when the stormwater discharge previously was not permitted or
was permitted under an individual permit or general permit that did not
incorporate the requirements of the 2002 Stormwater Management Manual.

The bill also would grandfather discharges of stormwater from the requirement
to seek coverage under the three-acre permit if the discharge was previously
permitted, the current owner of the parcel from which the discharge originates
is the original listed permittee on the previously issued individual permit, and
the previously issued permit is current or has not expired.

An act relating to stormwater permitting

1 It is hereby enacted by the General Assembly of the State of Vermont:

2 Sec. 1. 10 V.S.A. § 1264 is amended to read:

3 § 1264. STORMWATER MANAGEMENT

4 * * *

5 (b) Definitions. As used in this section:

6 * * *

7 (6) “Impervious surface” means those manmade surfaces, including
8 paved and unpaved roads, parking areas, roofs, driveways, and walkways, from
9 which precipitation runs off rather than infiltrates.

10 * * *

11 (14) “Stormwater runoff” means precipitation and snowmelt that does
12 not infiltrate into the soil, including material dissolved or suspended in it, but
13 does not include discharges from undisturbed natural terrain or wastes from
14 combined sewer overflows.

15 * * *

16 (g) General permits.

17 (1) The Secretary may issue general permits for classes of stormwater
18 runoff that shall be adopted and administered in accordance with the provisions
19 of subsection 1263(b) of this title.

20 * * *

1 (3)(A) ~~Within 120 days after the adoption by the Secretary of the rules~~
2 ~~required under subsection (f) of this section, the~~ The Secretary shall issue a
3 general permit under this section for discharges of stormwater from impervious
4 surface of three or more acres in size, when the stormwater discharge
5 previously was not permitted or was permitted under an individual permit or
6 general permit that did not incorporate the requirements of the 2002
7 Stormwater Management Manual or any subsequently adopted Stormwater
8 Management Manual. Under the general permit, the Secretary shall:

9 ~~(A)(i)~~ (i) Establish a schedule for implementation of the general permit
10 by geographic area of the State. The schedule shall establish the date by which
11 an owner of impervious surface shall apply for coverage under this subdivision

12 (3). ~~The~~ Except as provided under subdivision (g)(3)(B) of this section, the
13 schedule established by the Secretary shall require an owner of impervious
14 surface subject to permitting under this subdivision (3) to obtain coverage by
15 the following dates:

16 ~~(i)(I)~~ (i)(I) for impervious surface located within the Lake Champlain
17 watershed, the Lake Memphremagog watershed, or the watershed of a
18 stormwater-impaired water, on or before October 1, ~~2023~~ 2025; or

19 ~~(i)(II)~~ (i)(II) for impervious surface located within all other watersheds
20 of the State, ~~no~~ not later than October 1, ~~2033~~ 2035.

1 ~~(B)~~(ii) Establish criteria and technical standards, such as best
2 management practices, for implementation of stormwater improvements for the
3 retrofitting of impervious surface subject to permitting under this subdivision
4 (3).

5 ~~(C)~~(iii) Require that a discharge of stormwater from impervious
6 surface subject to the requirements of this section comply with the standards of
7 subsection (h) of this section for redevelopment of or renewal of a permit for
8 existing impervious surface.

9 ~~(D)~~(iv) Allow the use of stormwater impact fees, offsets, and
10 phosphorus credit trading within the watershed of the water to which the
11 stormwater discharges or runs off.

12 (B)(i) Notwithstanding the schedule adopted by the Secretary under
13 subdivision (g)(3)(A)(i) of this section, a discharge of stormwater from
14 impervious surface of three or more acres in size is not required to obtain
15 coverage under the general permit issued under this subdivision (3) if all of the
16 following apply:

17 (I) the stormwater discharge was previously permitted under an
18 individual permit;

19 (II) the current owner of the parcel from which the discharge
20 originates is the original listed permittee on the previously issued individual
21 permit; and

