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Village of Essex Junction

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MS4 Compliance Submittal October 1, 2016

RECEIVED
SEP 30 2016
WSMD

Re: Village of Essex Junction 3-9014
FRP and Expired Permits

In compliance with the above referenced permit, the Village of Essex Junction herein submits:

1. Letter to C. Witters dated September 30, 2016 status of expired permits.
2. Village of Essex Junction/Town of Essex Storm Water Ordinance
3. Notice of Intent (NOI)
4. Storm Water Management Plan (SWMP) Amendment
5. SWMP Appendix A: Indian Brook and Sunderland Brook Flow Restoration Plans (FRP) dated July 24, 2015 (CD enclosed)
6. FRP Appendix #8 FRP Implementation Plan
7. FRP Appendix #9 FRP Financial Plan
8. SWMP Appendix B: Expired State Stormwater Permits Table
9. MS4 Incorporation Form for State Issued Stormwater Permits

With conflicting interpretation of submittal requirements from other MS4s, we submit this information with our best understanding of expectations. Respectfully noted, questions posed to the State were answered but clarifications and interpretations were not sent to all MS4s. If we have missed something, please be specific about it and we will attend to it.

Respectfully submitted by,

James L. Jutras
Water Quality Superintendent

Received by (print name): Jean Perrigo

Date: 9/30/16 Time: 10:19 a.m.

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Village of Essex Junction
Storm Water Management Plan (SWMP) Amendment
Submitted: September 30, 2016

As per section 4.J.2.a the Village of Essex Junction is notifying of the following additions to our SWMP submitted June 1, 2013:

Amendment to 4.C.1.e.1. Flow Restoration Plan (FRP)

Appendix A contains the completed FRP for Indian Brook and Sunderland Brooks as submitted to the Secretary for approval on October 1, 2016.

All items will be presented as part of a comprehensive FRP which was developed and submitted in accordance with requirements contained in the permit. Any expenditure required for funding associated with implementing the FRP is subject to Village of Essex Junction and Town of Essex review and approval. Capital projects or bonded projects will be subject to voter approval.

As per section 4.C.1.e.3 the semi-annual status report on FRP will be provided. One of the two required reports will be along with the MS4 annual report each April.

4.C.1.e.1.d Expired State Stormwater Permits

Appendix B contains a table outlining the expired state stormwater permits and how they are being brought into compliance including which permits are incorporated under the Village's MS4 jurisdiction. Updates will be provided with the annual report submitted each April.

FLOW RESTORATION PLAN

APPENDIX 8: IMPLEMENTATION PLAN

General Information:

The Town and Village completed the technical portion of the Flow Restoration Plan (FRP) in August of 2015 and submitted the document for technical review to the Vermont Agency of Natural Resources (VANR) at that time (Appendix 8, Attachment A).

No response was received regarding the technical and financial analysis until July 26, 2016 in an e-mail (Appendix 8, Attachment B). Numerous requests were made throughout this period for input into the FRP that was prepared by Watershed Consultants working for the Town of Essex and Village of Essex Junction.

The lack of a timely response has presented a number of permit compliance concerns for the two communities. Neither an implementation plan nor the required financial plan could be completed without some direction on which projects needed to be included in those plans. In addition, the absence of a timely response, lack of guidance and phosphorus reduction requirements has carry-over issues into acceptance of expired storm water permits by both the Town and the Village.

Both communities implemented a revised Storm Water Ordinance that would enable the municipalities to provide permit relief of the expired permits providing the parties holding those permits agreed to conditions on future maintenance, shared costs where appropriate and transfer of land through easements if needed to build facilities identified in the FRP. When recently notified by VANR that the permit compliance date of October 1st, 2016 was fixed with respect to completion of the FRP and the status of expired permits, a significant and unnecessary burden was placed on the communities to complete this work in less than two months.

It is clear that the FRP elements requiring completion to meet the permit compliance date of October 1st will be met through elected officials' approval of this Appendix as well as Appendix 9 - The Financial Plan. However, with the limited time frame, it is highly unrealistic that comprehensive compliance will be achieved.

The following is the implementation information to satisfy the permit requirements for each impaired watershed:

Sunderland Brook:

Per the e-mail dated July 26, 2016 from Emily Schelley:

"As the MS4 entities are aware, the Storm water Program allows credit towards the hydrologic target for practices constructed after the adoption of the 2002 Vermont Storm water Management Manual. Based on the modeling results, the Program concurs that the high flow ($Q_{0.3\%}$) target for Sunderland Brook has been achieved by existing BMPs and additional flow controls are not needed at this time. "

The Sunderland Brook FRP identified the phosphorus "credits" associated with each of the potential projects identified in the study for potential implementation. Although the Lake Champlain Phosphorus TMDL implementation requirements are not identified in the current MS4 permits, they will be a component element of the next MS4 permit to be issued and integral to the FRP and Capital Planning process. Information contained in the FRP will help assist the two communities in determining whether any of the projects would be candidates for phosphorus removal projects.

Additionally, although meeting the low flow targets is not an Environmental Protection Agency (EPA) requirement, both the Town and Village are proactive in retrofitting existing discharges so infiltration is the preferred and often required practice. This is the same position being taken on new development reviews and the recently adopted Town Plan supports this position.

Indian Brook:

Per the e-mail dated July 26, 2016 from Emily Schelley:

"Indian Brook - The BMP plan provided for Indian Brook has included sufficient control to meet the high flow ($Q_{0.3\%}$) target."

The FRP identified 4 and possibly 5 projects for implementation to meet the high flow requirements: The four/five are:

Town: Woodlands (Sydney Drive) Pond

The Town proactively secured a VTRANS Transportation Alternative Grant utilizing $243,953.46 in federal funds and $60,988.36 in local funds to design and construct this project. A design contract has been signed with Dubois and King Engineering and work on the project is underway. The schedule calls for the design to be completed in the late fall of 2017 with construction programmed for the spring/summer of 2018. The system should be fully completed by November 1, 2018. The local funds for this project have already been allocated through the municipal Capital Plan.

Village: Brickyard Gravel Wetland

The Village proactively secured a VTRANS Transportation Alternative Grant utilizing $144, 455.94 in federal funds and $35,613.99 in local funds to design and construct this project. A design contract is near ready for signature with Dubois and King Engineering and work on the project is underway. The schedule calls for the design to be completed in the summer of 2018 with construction programmed for the spring/summer of 2019. On this project, there appears to be the need for acquisition of added Right of Way, a process that extends the project completion by anywhere from 12 to 18 months through VTRANS. This project should be fully completed by November 1, 2019.

Town: LDS Church

The Town is actively working with the LDS Church to resolve expired permit issues and secure the ability to obtain an easement on the site for the proposed BMP. Due to the complexity of property ownership with the LDS, we are still in the process of negotiating a "win-win" position. A schedule for this project is as follows:

1) Obtain LDS approval for granting an easement to the Town (December 2016)
2) Secure engineering services to develop a conceptual design and survey information necessary to define the limits of a needed easement; complete this work by September 1, 2017.
3) Negotiate a final easement with the LDS church by April 1, 2018.
4) During this time frame, apply for available grants to fund this project (estimated cost at time of construction $1.3M); continue to contribute to Capital Storm Water Account to fund the local share.
5) Utilize a time frame of fall 2020 to either obtain grants or develop a bond for vote at Town meeting in the spring of 2021.
6) Construct the facility starting in 2021 with completion in the spring of 2022.

NOTE: If negotiations fail with the LDS Church, other projects on the FRP list will be considered for implementation to meet the flow reduction requirements. This alternative approach will require that a number of smaller projects be built, requiring action on each of these other projects. Some may go faster than others, and the time frame for fully meeting this flow objective will likely extend to the fall of 2024.

Also, the MS4 permits will be modified shortly to include the phosphorus component. When this occurs, the Town will likely incur added local costs once a phosphorus implementation plan is created. The Town will not go forward with a bond vote for FRP projects without combining that work with the required phosphorus projects. This may delay the plans for the LDS Church site beyond the 2022 date, with fall 2024 being a more realistic funding implementation date.

Village: Fairview Drive/Main Street

This project will also require either grant assistance or a bond vote due to its overall costs. The full project (with an added component as identified in the FRP) was estimated at $290,000.

With a local share of 20% or about $58,000, this project could go faster and be implemented by the fall of 2022 if grants are obtained. Without grants, this project would fall into the same bond vote issues as noted under the LDS church with a fall 2024 date being realistic.

VTRANS: There are two projects on the FRP list falling within the responsibility of VTRANS. These are the I-289 north and south projects. They provide a good phosphorus benefit and help reduce the flow target by approximately 10%. In discussions with VTRANS, it is anticipated that these two projects would be completed within the same 2022 to 2024 time frame consistent with the Town and Village projects.

FLOW RESTORATION PLAN

APPENDIX 9: FINANCIAL PLAN

General Information:

The Town of Essex and Village of Essex Junction have already proceeded with funding of two projects as noted in the Implementation Plan (APPENDIX 8). A Joint Capital Storm Water account was established some time ago to assist in meeting the project requirements identified in the FRP, other needed storm water system improvements and future potential phosphorous reduction projects. The current status of this account is as follows:

Current Fund Balance as of 6 September 2016 is $293,733.52. From this account, the following monies have been earmarked for the local share under the two VTRANS grants:

Sydney Drive Storm Water Project (Town):	$60,988.32
Brickyard Gravel Wetland (Village):	$35,613.99
Reserved =	$96,602.31
Contingency @20% =	$19,320.00
Total Reserved for Funded Projects =	$116,000

The net funds currently available for completion of the FRP projects and future Phosphorus Reduction Projects is approximately $177,734 ($293,733.52 less $116,000).

The plan is to continue providing funds through the Capital Storm Water Account as well as any residual funds left in the Storm Water Operating Account at the end of each fiscal year. It is anticipated at a minimum that $60,000 would be set aside yearly, until such time as estimates are available for the level of funding needed to meet both the remaining FRP projects and the phosphorous reduction projects.

In the adopted FYE17 Town Budget, which includes storm water costs for both the Village and the Town, separate from the Capital Account, a homeowner in the Village or Town with an average house valued at $280,000 pays $33 per year for storm water. The Capital Storm water contribution is 12% of the Capital Budget or another $6.72 per year on the house valued at $280,000. Thus, the total annual storm water cost for an average homeowner in both communities is approximately $40 per year.

At this time, the financial impact of implementing the required phosphorus reduction in both communities is undefined. Without some identification of projects and costs, neither

community is prepared to bond for projects piecemeal with Flow Restoration Projects only one element of a potentially larger financial requirement.

The appropriate solution is to continue to move forward with the two grants already obtained under the FRP, continue to set aside funds for the two remaining FRP projects and for future phosphorus reduction projects and if feasible to incrementally fund the two FRP remaining projects without bonding if grants can be secured.

For example, if both the LDS Church project and the Fairview Drive projects obtained 80% grant funding, the local share would be approximately $318,000 and this amount would be accrued in the Capital Account by 2020. Also, since the Fairview Drive Project in the Village would only require a local share of $58,000 if an 80% grant were obtained, it would be financially feasible to proceed with this project early since the funding is available at this level to move the project forward.

Finally, it should be noted that the Financial Plan outlined in this Appendix is a plan and plans are based on assumptions. It will need to be adjusted over time. There may or may not be a need for bond financing since the total level of storm water costs to meet FRP and phosphorus requirements is unknown at this time.

If a bond vote is required, the bond is subject to voter approval. No community can guarantee a successful bond vote in advance of a vote.