

Administrative Procedures – Final Proposed Rule Coversheet

Instructions:

In accordance with Title 3 Chapter 25 of the Vermont Statutes Annotated and the “Rule on Rulemaking” adopted by the Office of the Secretary of State, this final proposed filing will be considered complete upon the submission and acceptance of the following components to the Office of the Secretary of State and to the Legislative Committee on Administrative Rules:

- Final Proposed Rule Coversheet
- Adopting Page
- Economic Impact Statement
- Public Input Statement
- Scientific Information Statement (if applicable)
- Incorporated by Reference Statement (if applicable)
- Clean text of the rule (Amended text without annotation)
- Annotated text (Clearly marking changes from previous rule)
- Copy of ICAR acceptance e-mail
- A copy of comments received during the Public Notice and Comment Period.
- Responsiveness Summary (detailing agency’s decisions to reject or adopt suggested changes received as public comment).

All forms submitted to the Office of the Secretary of State, requiring a signature shall be hand signed original signatures of the appropriate adopting authority or authorized person, and all filings are to be submitted, no later than 3:30 pm on the last scheduled day of the work week.

Certification Statement: As the adopting Authority of this rule (see 3 V.S.A. § 801 (b) (11) for a definition), I approve the contents of this filing entitled:

Rule Title: 2017 Vermont Stormwater Management Manual Rule

Deb Markowitz, on 11-26-16
 (signature) (date)

Printed Name and Title:
 Deb Markowitz, Secretary
 Agency of Natural Resources

RECEIVED BY: _____

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- Scientific Information Statement (if applicable)
- Incorporated by Reference Statement (if applicable)
- Clean text of the rule (Amended text without annotation)
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- ICAR Approval received by E-mail.
- Copy of Comments
- Responsiveness Summary

1. TITLE OF RULE FILING:

2017 Vermont Stormwater Management Manual Rule

2. PROPOSED NUMBER ASSIGNED BY THE SECRETARY OF STATE

16P-050

3. ADOPTING AGENCY:

Agency of Natural Resources

4. PRIMARY CONTACT PERSON:

(A PERSON WHO IS ABLE TO ANSWER QUESTIONS ABOUT THE CONTENT OF THE RULE).

Name: Kevin Burke

Agency: Agency of Natural Resources

Mailing Address: 1 National Life Drive, Main 2,
Montpelier, VT 05620-3522

Telephone: 802 490 - 6168 Fax: 802 828 - 1544

E-Mail: kevin.burke@vermont.gov

Web URL *(WHERE THE RULE WILL BE POSTED)*:

<http://dec.vermont.gov/watershed/stormwater>

5. SECONDARY CONTACT PERSON:

(A SPECIFIC PERSON FROM WHOM COPIES OF FILINGS MAY BE REQUESTED OR WHO MAY ANSWER QUESTIONS ABOUT FORMS SUBMITTED FOR FILING IF DIFFERENT FROM THE PRIMARY CONTACT PERSON).

Name: Elizabeth Schilling, Esq.

Agency: Agency of Natural Resources

Mailing Address: 1 National Life Drive, Davis 2,
Montpelier, VT 05620-3522

Telephone: 802 490 - 6102 Fax: 802 828 - 1544

E-Mail: elizabeth.schilling@vermont.gov

6. RECORDS EXEMPTION INCLUDED WITHIN RULE:

(DOES THE RULE CONTAIN ANY PROVISION DESIGNATING INFORMATION AS CONFIDENTIAL; LIMITING ITS PUBLIC RELEASE; OR OTHERWISE EXEMPTING IT FROM INSPECTION AND COPYING?) No

IF YES, CITE THE STATUTORY AUTHORITY FOR THE EXEMPTION:

PLEASE SUMMARIZE THE REASON FOR THE EXEMPTION:

7. LEGAL AUTHORITY / ENABLING LEGISLATION:

(THE SPECIFIC STATUTORY OR LEGAL CITATION FROM SESSION LAW INDICATING WHO THE ADOPTING ENTITY IS AND THUS WHO THE SIGNATORY SHOULD BE. THIS SHOULD BE A SPECIFIC CITATION NOT A CHAPTER CITATION).

10 V.S.A. § 1264(b)(13)

8. THE FILING HAS CHANGED SINCE THE FILING OF THE PROPOSED RULE.
9. THE AGENCY HAS INCLUDED WITH THIS FILING A LETTER EXPLAINING IN DETAIL WHAT CHANGES WERE MADE, CITING CHAPTER AND SECTION WHERE APPLICABLE.
10. SUBSTANTIAL ARGUMENTS AND CONSIDERATIONS WERE RAISED FOR OR AGAINST THE ORIGINAL PROPOSAL.
11. THE AGENCY HAS INCLUDED COPIES OF ALL WRITTEN SUBMISSIONS AND SYNOPSES OF ORAL COMMENTS RECEIVED.
12. THE AGENCY HAS INCLUDED A LETTER EXPLAINING IN DETAIL THE REASONS FOR THE AGENCY'S DECISION TO REJECT OR ADOPT THEM.
13. **CONCISE SUMMARY (150 WORDS OR LESS):**

The existing 2002 Vermont Stormwater Management Manual (VSMM) was adopted as a rule via statute (Act 109 of 2002, 10 V.S.A. § 1264(e)(1)). Under 10 V.S.A. § 1264(b)(13), the VSMM shall be adopted and amended by rule. This rulemaking will update the VSMM to incorporate important advances in the field of stormwater management. Changes to the VSMM include:

1. Updates to the Water Quality, Groundwater Recharge, Channel Protection Volume, Overbank Flood Protection, and Extreme Flood Protection Treatment Standards;
2. Alternatives to the Channel Protection Volume Treatment Standard;
3. Incorporation of the Soil Depth and Quality Standard;
4. Integration of Green Stormwater Infrastructure concepts such as permeable pavement, green roofs, reforestation, and rainwater harvesting; and
5. Expansion of the treatment requirements for redevelopment sites.

14. **EXPLANATION OF WHY THE RULE IS NECESSARY:**

The existing 2002 VSMM is in need of an update. Since the 2002 VSMM was adopted, there have been significant

advancements in the field of stormwater management. On-the-ground research and development in the stormwater field has enhanced our understanding of green stormwater infrastructure as well as the scientific and engineering community's understanding of the pollutant-removal capabilities of certain stormwater treatment practices (STPs). Further, since 2002, the Agency of Natural Resources has developed a better understanding of how stormwater runoff contributes to water quality impacts, and what regulatory measures can be taken to address those impacts.

The 2002 VSMM includes a limited set of acceptable STPs in comparison to what is now available and recognized as effective stormwater treatment. Providing a wider range of acceptable STPs will afford design flexibility to the engineering community, and maximize the treatment of stormwater runoff from developed sites. In addition to providing a wider variety of STPs, the proposed updates also include enhanced treatment standards. In consideration of Vermont's overall water quality goals, this update expands the required treatment for redevelopment sites, and enhances the goals of the existing treatment standards to achieve a higher level of treatment. Further, it provides enhanced options for meeting those treatment standards, giving designers flexibility with their projects while maximizing treatment.

15. LIST OF PEOPLE, ENTERPRISES AND GOVERNMENT ENTITIES AFFECTED BY THIS RULE:

Individuals required to obtain a post-construction stormwater permit.

State agencies and departments, particularly the Vermont Agency of Transportation (VTTrans), the Agency of Commerce and Community Development, and the Department of Buildings and General Services. These entities conduct or manage activities that may be subject to stormwater permit requirements including the new VSMM. Note, the Rule contains a new chapter, which includes requirements for linear projects to accommodate special issues unique to VTTrans.

Property owners statewide, including businesses (excluding farmers in compliance with the Required Agricultural Practices) and homeowners, who require a stormwater permit.

Engineers, designers, consultants, and contractors who design and construct stormwater systems and work on stormwater permit applications.

The public at large with an interest in water quality.

16. BRIEF SUMMARY OF ECONOMIC IMPACT(150 WORDS OR LESS):

1. The new 2017 VSMM increases treatment requirements compared to existing standards and may result in a cost increase for some projects.
2. The addition of acceptable treatment practices may have positive economic impacts because the additional design flexibility contained in the proposed 2017 VSMM will allow designers greater options.
3. The incorporation of green stormwater infrastructure may have positive economic impacts, because such practices provide options aside from large structural practices such as ponds, which can be costly to construct.
4. Construction of stormwater facilities in conformance with the 2017 VSMM will contribute to the construction-based economy.
5. Compliance with the 2017 VSMM will help restore, maintain, and protect the waters of the State, which provide numerous economic benefits associated with clean water.

17. A HEARING WAS HELD.

18. HEARING INFORMATION

(THE FIRST HEARING SHALL BE NO SOONER THAN 30 DAYS FOLLOWING THE POSTING OF NOTICES ONLINE).

IF THIS FORM IS INSUFFICIENT TO LIST THE INFORMATION FOR EACH HEARING PLEASE ATTACH A SEPARATE SHEET TO COMPLETE THE HEARING INFORMATION.

Date: 10/25/2016

Time: 09:00 AM

Street Address: Pavilion Auditorium, 109 State St.,
Montpelier, VT

Zip Code: 05609

Date:

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19. DEADLINE FOR COMMENT (NO EARLIER THAN 7 DAYS FOLLOWING LAST HEARING):

11/1/2016

20. KEYWORDS (PLEASE PROVIDE AT LEAST 3 KEYWORDS OR PHRASES TO AID IN THE SEARCHABILITY OF THE RULE NOTICE ONLINE).

stormwater

VSMM

stormwater manual

vermont stormwater management manual

stormwater management manual

water quality