

# Residual Designation Draft Permit Informational Meeting

October 14, 2009

Water Quality Division  
Vermont Department of Environmental Conservation



# What is stormwater runoff?

“Precipitation, snowmelt, and the material dissolved or suspended in precipitation and snowmelt that runs off impervious surfaces and discharges into surface waters.”



# Stormwater runoff can adversely affect:

## ➤ Water quantity

- runoff is increased by impervious surfaces (paved and unpaved roads, parking areas, roofs, driveways, walkways)
- can cause local flooding, channel erosion, and loss of infiltration to groundwater

## ➤ Water quality

- pollutants carried in stormwater runoff (sediment, oil, metal particles, fertilizer, pesticides, waste)
- physical impacts to channel (scour, washout, etc.)
- reduced baseflow



*Stream Geomorphic Destabilization*

# VT's 303(d) list of impaired waters

- Federally approved list of waters not meeting water quality standards
- States must adopt Total Maximum Daily Loads (TMDL) or equivalent cleanup plans for impaired waterbodies
- TMDL = amount of a pollutant that a waterbody can accommodate without exceeding water quality standards

# EPA Approved TMDLs

- Potash Brook
  - December 6, 2006
- Centennial, Bartlett, Englesby, and Morehouse Brooks
  - September 28, 2007



# TMDL Implementation Framework

- Part 1 - Reissuance of MS4 permit by December 2009
- Part 2 – Residual Designation Permits:
  - Issued to discharges that do not drain through or co-mingle with MS4 (municipal) system

# Residual Designation Authority

- 40 CFR 122.26(a)(1) and (9) provide 4 major categories of stormwater discharges that require a federal NPDES permit:
  - Construction, MS4, Industrial, and discharges that had been permitted prior to February 4, 1987
- Two additional categories of discharges that may be “residually designated” (40 CFR 122.26(a)(9)) :
  - Stormwater discharges that are determined by the permitting agency to be causing or contributing to a water quality standards violation or are a significant contributor of pollutants.
  - Stormwater discharges that the permitting authority determines require stormwater controls based on wasteload allocations that are part of TMDLs that address the pollutants of concern.

# Residual Designation Case

- In 2003, Conservation Law Foundation (CLF) files petition asking ANR to require NPDES permits for all existing discharges to five stormwater-impaired streams because they contribute to a water quality violation.
- August 2008 – Environmental Court issues Judgment Order to ANR:
  - Directs ANR to notify all “currently unregulated” stormwater discharges of their obligation to apply for NPDES permit within 180 days
  - “Unregulated” means not currently regulated under NPDES construction, MS4 or industrial permit or a state stormwater permit with an offset





# RDA Notice Issued

- June 19<sup>th</sup> – RDA Notices Issued
- **Designated dischargers** must apply for NPDES permit within 180 days (December 16<sup>th</sup>, 2009)

# What is a “designated discharge?”

- A stormwater discharge that is not currently regulated by:
  - A state stormwater permit with an offset or on-site controls that result in no net contribution to the impaired stream
  - A federal multi-sector, or MS4 permit
    - For the purposes of this designation any stormwater runoff that enters or commingles with the MS4 system is considered to have coverage under the MS4 permit.

# The Draft RDA Permit

- Draft Released to public  
September 30<sup>th</sup>
- Comment Period through  
October 30<sup>th</sup>



# The Draft RDA Permit

## ➤ Categories of permittees

1. Parcels with a previously issued state stormwater permit
2. Parcels without a state stormwater permit and  $> 1$  acre of impervious
3. Parcels without a state stormwater permit and  $< 1$  acre of impervious

# 1. Parcels with a state stormwater permit

## ➤ Conduct an Engineering Feasibility Assessment (EFA)

### 1. Recharge Volume (Rev)

- Infiltration of all impervious surface runoff from the 1-year storm. This requirement exceeds the REv requirement of the Manual

### 2. Channel Protection Volume(CPv)

- Provide 12 or 24-hr detention (depending on receiving water fishery status) of non-infiltrated runoff from the 1-yr storm.

### 3. Water Quality Volume(WQv)

- Provide treatment of the Water Quality Volume. Infiltration of this volume is considered compliant with the Manual.

# Parcels with a state stormwater permit

- Build treatment based on EFA
- EFA will not require:
  - Installation of sub-surface storage or treatment structures
  - Purchase or acquisition of additional land
  - Demolition of buildings or removal of existing impervious surface
  - Off-site treatment
  - Re-grading or re-contouring
  - Pumping or other mechanical re-routing of stormwater
  - Mechanical or chemical treatment of stormwater
  - Infiltration where basement flooding or subsurface pollutant plume transport will occur.
  - Analysis will not require the construction of any infrastructure within the Fluvial Erosion Hazard area of any receiving water or within any wetland or its 50-foot buffer zone.
  - Analysis will not require the destruction of contiguous forested areas exceeding 1,000 square feet. The removal of trees in non-contiguous forested areas shall be considered when replacement of lost trees is feasible per this table.

# Parcels with a state stormwater permit

## ➤ Important Dates:

- December 16<sup>th</sup> 2009
  - submit Notice of Intent (NOI)
- June 30, 2011
  - conduct and submit EFA
- 18 months after Secretary approval of EFA
  - Implement treatment according to EFA

## 2. Parcels with no state stormwater permit and > 1 acre of impervious

### ➤ Conduct a Site Assessment

- ***General Site Information***

- Property Boundaries, Areas of Impervious Cover, Roads, Receiving water (including streams, ponds, or wetlands)

- ***Water Flow and Conveyance***

- Elevation Contours, stormwater systems, Drainage area boundaries, Discharge Point(s) from the site

- ***Other site features*** – note features on the site that may limit certain types of treatment

- Soils, Utilities, Easements, Areas of active erosion, Tree cover/ Forested areas, Conserved or protected areas



# Parcels with no state stormwater permit and > 1 acre of impervious

## ➤ Important Dates:

- December 16<sup>th</sup> 2009
  - submit Notice of Intent (NOI)
- December 31<sup>st</sup> 2010
  - Complete and submit Site Assessment

# 3. Parcels with no state stormwater permit and < 1 acre of impervious

**Implement appropriate BMPs as described in the “Small Site Stormwater BMP Guide”**

➤ **Maximize Sheet-flow and Infiltration**

- Rain Gardens
- Rooftop Runoff Disconnection

➤ **Prevent and Eliminate Soil Erosion**

- Re-vegetation
- Stabilization

➤ **Prevent and Eliminate Delivery of Stormwater Pollutants to Conveyances**

- I.e. Fertilizer, Pesticides, Vehicle Washing, Pet Waste, Yard Scraps

# Parcels with no state stormwater permit and < 1 acre of impervious

## ➤ Important Dates

- Date of Permit Adoption (mid-November '09)
  - Permit coverage begins
- June 30<sup>th</sup> 2010
  - Implement BMPs

# What's next?

- Public Comment Period Ends Oct. 30
- Goal – issue final RDA permit by mid-November
- NOIs must be in by December 16<sup>th</sup> 2009
- RDA Designation remains open until close of public comment period on draft permit

# Notice of Intent (NOI)

- Applicant Name(s): \_\_\_\_\_
- Is this NOI being submitted in connection with a subdivision (e.g. residential or commercial subdivisions, condominiums and industrial parks)? \_\_\_\_\_(Yes/No)
- Address of Applicant(s): \_\_\_\_\_
- Telephone Number: \_\_\_\_\_
- Fax: \_\_\_\_\_
- E-mail: \_\_\_\_\_
- Project Name: \_\_\_\_\_
- Project Location Address \_\_\_\_\_
- Existing VTDEC Stormwater Permit Number related to this project (if any): \_\_\_\_\_
- Act 250 Permit Number (if any): \_\_\_\_\_
- Receiving Water: \_\_\_\_\_
- Estimated impervious area (acres): \_\_\_\_\_

➤ Comments must be submitted in writing to be considered to:

- VT Department of Environmental Conservation, Water Quality Division  
Building 10 North  
103 South Main Street  
Waterbury, VT 05671-0408  
Attention: Jennifer Callahan

Or electronically to : [jennifer.callahan@state.vt.us](mailto:jennifer.callahan@state.vt.us)

➤ This presentation and associated materials can be found at  
<http://www.vtwaterquality.org/stormwater>