

**Stormwater Advisory Group (SWAG)  
Organizational Meeting**

**July 29, 2004**

**9:00-12:00**

**Water Resources Board Conference Room  
National Life Complex, Montpelier**

**Meeting Summary**

Approved by the SWAG July 25, 2004

**Participants:** Bill Bartlett, Pat Berry, Mary Borg, Breck Bowden, Tayt Brooks, Gina Campoli, Tim Clear, Cindy Cook, Dave Crawford, Bill Driscoll, Dan Dutcher, Julie Foley, Zak Griefen, Glen Gross, Nelson Hoffman, James Jutras, Chris Kilian, Bob Kort, Pete LaFlamme, Dan Lindley, Jeff Nelson, Chuck Nichols, Andy Raubvogel, Alan Shelvey, Jeff Wennberg, Mike Winslow, Jeanne Veatch Bragdon, Mark Voorhees

**Ground Rules**

The group agreed to the following ground rules:

- Start and end meetings on time.
- One person speaking at a time.
- Speak for yourself, let others speak for themselves.
- Take side conversations and phone calls outside the meeting room.

**Welcome and Role of the Stormwater Advisory Group (SWAG)**

Jeff Wennberg opened the meeting by welcoming participants and thanking everyone who participated in the Water Resources Board Stormwater Docket, that he noted will serve as a foundation for the work of the Stormwater Advisory Group (SWAG). He noted that Act 140 was enacted based on the concepts developed in the Water Resources Board Docket proceedings. ANR now has the responsibility to meet the goals and deadlines established in Act 140. He asked for the group's help in meeting these goals and deadlines.

Jeff thanked EPA for its financial support and technical assistance and thanked the Agency of Transportation for its financial support for the facilitation services. He announced that EPA recently approved ANR's new 303D list of impaired waters.

Jeff compared the role of the SWAG to that of a Federal Advisory Committee Act (FACA) group. While ANR has the responsibility to move forward to meet the requirements of Act 140, the SWAG has an important advisory role. The SWAG will be very instrumental in helping flesh out issues, providing a variety of perspectives, and providing advice regarding what actions ANR should take. One of ANR's goals is to avoid appeals. He would like the SWAG to focus on "big picture" policy development and implementation issues, as technical issues are better handled by smaller, more technically-oriented work groups.

Jeff highlighted a number of areas where he feels that SWAG input will be especially valuable:

1. Development of a Stormwater Management Rule. ANR is committed to meeting the October 15, 2004 deadline for submitting a proposed rule to the Inter-Agency Committee on Administrative Rules (ICAR). This is an aggressive schedule. He asked for SWAG participants help in developing the proposed rule, and its understanding that the timeline is very tight.
2. Offset General Permits for the Interim Period.
3. Development of TMDL's and Water Quality Remediation Plans (WQRP's)
4. MS4 Municipal Permits (currently under appeal). The Phase 2 Working Group is an existing group that is addressing MS4 issues in detail.
5. The Multi-Sector General Permit that applies to industrial and municipal facilities.

In response to a question, Jeff stated that the general permit for discharges to unimpaired waters will also be addressed by the SWAG.

Jeff closed by noting that while the SWAG's work will be very helpful to ANR even if consensus is not reached, he hopes that participants will find common ground.

### **Stormwater: Where We Are and Where We're Going**

Pete LaFlamme gave an overview of ANR's stormwater management program. A copy of his Power Point presentation is posted on the Stormwater web page -- [www.vtwaterquality.org/stormwater/htm/sw\\_swag.htm](http://www.vtwaterquality.org/stormwater/htm/sw_swag.htm). He described the eight program areas that are moving forward simultaneously and reviewed in detail the five areas enumerated above where ANR is seeking SWAG input.

Pete noted that Tetra Tech is working on watershed hydrology modeling. This modeling will be used in the development of TMDL's and watershed-specific Water Quality Remediation Plans (WQRP's) and general permits. ANR proposes convening a SWAG meeting to focus on TMDL's in late October.

Gina Campoli observed that there is a lot of work to be done on offsets, and suggested creating a SWAG Offset Working Group.

### **Stormwater Rule Development**

Mary Borg reviewed the requirements for a revised stormwater management rule that are set forth in Act 140. These requirements are summarized in a document titled "Stormwater Management Rule: Statutory Directive, Purpose, and Contents of the Working Draft". A copy of this document is posted on the SWAG webpage -- [www.vtwaterquality.org/stormwater/htm/sw\\_swag.htm](http://www.vtwaterquality.org/stormwater/htm/sw_swag.htm). The rule will address both the interim and long-term periods; offsets will be addressed by the rule to the extent feasible, while still allowing some flexibility in implementation.

Mary stated that the new rule will address state permits, and a different rule applies to NPDES permits. Chris Kilian suggested that ANR clarify how the new rule relates to the 1974 rule, and Bill Bartlett suggested that ANR clearly state the relationship of the rule to the Vermont water Quality Standards.

Mary also reviewed the flowchart entitled “Vermont Stormwater Management Rule Development Process”. ANR intends to distribute a rough draft of the stormwater management rule to the SWAG by August 13, and hold meetings on August 25 and 26 to discuss the draft with the SWAG. ANR will then revise the rough draft in response to comments, and issue a revised working draft by Sept 10. ANR will meet with the SWAG on September 23 to discuss the revised working draft. ANR will again revise the draft in response to comments, and will then file a proposed stormwater management rule with the Inter-Agency Committee on Administrative Rules (ICAR) by October 15. After the rule has been submitted to ICAR, there will be a series of three public hearings on the proposed rule. The new rule must be in effect by June 15, 2005.

**Discussion: Feedback to ANR and Issue Identification**

ANR staff asked meeting participants to list issues that they feel are critical. The following issues raised were raised:

- ◆ Offsets: Mechanics of implementation, how to set offsets before knowing watersheds’ long-term needs, similarities between offsets and wetlands mitigation
- ◆ Differences between TMDL’s, WQRP’s and WIP’s
- ◆ Differentiate between various kinds of impervious surfaces (e.g. asphalt and gravel parking areas, slate roofs)
- ◆ Differentiate between first flush and long term runoff
- ◆ Take into account connectivity
- ◆ Will cleanup plans address sediment as well as hydrology? Can hydrology serve as a surrogate for pollutants?
- ◆ Margins of safety
- ◆ Stormwater utilities and state permitting
- ◆ Implementation of WQRP’s
- ◆ What parts of the ’97 Stormwater Procedures are still in effect?

**SWAG Webpage**

ANR will create a webpage on the Vermont Water Quality website that is dedicated to the SWAG: [www.vtwaterquality.org/stormwater/htm/sw\\_swag.htm](http://www.vtwaterquality.org/stormwater/htm/sw_swag.htm). Documents distributed at the July 29 meeting will be posted on the site, as will meeting summaries, drafts of the rule, and other related documents. The web site should provide an opportunity for members to post comments for others to read, rather than transmit emails to everyone every time.

**Next Meetings**

The SWAG will meet on August 25, from 9:00 to 4:00 and on August 26 from 9:00 to 1:00 to discuss the rough draft of the Stormwater Management Rule that ANR will post on the stormwater webpage on or before August 13. Both meetings will be in the Agency of Transportation Conference Room, 5<sup>th</sup> Floor, National Life Complex, Montpelier.