Stormwater Study Group Meeting
1 November 2006 – South Burlington City Offices

Jeff Wennberg (Commissioner for the Environment) and Pete LaFlamme (Chief of the Stormwater Section at ANR) both attended. There were two primary objectives for this meeting. The first was to provide information to residents who had not been as involved in the process as the Stormwater Study Group has been and the second was to ensure that Jeff and Pete heard residents' concerns about the situation in Butler Farm and Oak Creek Village.

To address the first objective we did the following. Juli Beth took a few minutes to review the purpose and history of the Stormwater Study Group. In these remarks she reviewed our operating assumptions about the system, required upgrade (i.e. 2002 best fix for the Utility to take over system), and the likely requirements of the Potash Brook TMDL. Regarding this latter: The Potash Brook TMDL was recently transmitted to the EPA Region 1 office and was being considered at the time of the meeting. [We have no further information on this at the moment.] Questions were raised about whether there would be any "surprises" in the Potash Brook TMDL and how likely it was that the TMDL would be approved by EPA. Given that we (ANR, South Burlington, and UVM) have worked closely with EPA on this matter for over a year, we are hopeful that there will be no surprises and that the TMDL will be approved reasonably quickly.

After Juli Beth introduced the meeting we began to discuss the options for stormwater management, focusing on things that might be done at small, medium and large scales. Helena Vladich made a presentation regarding a Micro Stormwater Drainage Density (MSDD) assessment approach she has developed recently. This work is based on some unique, hi-resolution aerial imagery (LIDAR) that is available for most of Chittenden County through the combined efforts of several different towns and agencies. This imagery has many uses. Helena has used the data to identify very high resolution drainage paths for stormwater runoff. Everyone realizes that water seeks a path of least resistance and greatest slope (gradient or potential, as hydrologists refer to it). This is true at large as well as small scales. It's fairly easy to identify water flows at large scales (e.g. in a river valley) using a simple map. But it's harder to identify flow paths at small scales (e.g., a minor rivulet in your backyard). The LIDAR data is sufficiently detailed, however, to do this. Using this data, Helena has been able to identify areas where there are high densities of these small flow paths (i.e., water tends to congregate) versus areas where the density of flow paths is low. This is valuable because it provides a means to objectively and quantitatively identify priority areas for small-scale best management practices (BMPs), like rain gardens. One important bit of information that we did not have available at the meeting and that we are working on now, is how many such areas are there in the neighborhood and what benefit (i.e. cost reduction) might there be if these areas were treated before considering larger scale BMPs. We hope to have some estimates for this when we next meet.

Jack Meyers then reviewed his medium- and large-scale alternatives. These are essentially the same alternatives that Jack presented in July and at the Field Day in October. We will post the most recent files relevant to these options on the web page.

In the course of this discussion, several questions that have arisen before were raised and discussed again (e.g., need to correct the Golf Course contribution, need to account for the Marceau Farms input, need to minimize costs). There was then some discussion about how to cover the costs of the required fixes, whatever they are. Both Jeff and Pete became more involved in the discussion at this point.

The last part of the meeting yielded two very important suggestions. We are all aware (but Jeff and Pete were not) that there is no available mechanism for the Butler Farm and Oak Creek Village neighborhoods to make a community-wide decision about a preferred stormwater management option (BMP or set of

BMPs). Furthermore, in discussion it became clear that there could be some timing issues with respect to dates that EPA approves the Potash Brook TMDL and the state issues relevant General Permits. These dates would only be delayed if the TMDL or General Permits are challenged in court. This raises clear issues of concern with respect to residents, regarding when they might expect to be able to clear their titles with a valid stormwater permit or a utility takeover of the system. In the course of this discussion, two important suggestions emerged:

1. Given the "gap" that might arise as noted above, Juli Beth said that the City's utility will accept the stormwater system (i.e., BF/OCV) regardless of the State and EPA permit/TMDL status once an engineering alternative that is consistent with the EFA/2002 Best Fix standard has been constructed. This is being done for several other residential systems already. The City is willing to accept the responsibility to get the permits once a State General Permit is in place.

2. Jeff Wennberg said that any system where a valid engineering plan has been developed and where funding is set up would be able to apply for coverage under the General Permit, and once a valid Notice of Intent to seek coverage was made, that system would be in compliance so long as construction occurred within a reasonable timeframe.

3. Jeff Wennberg mentioned that municipalities can create "Special Benefit" districts under existing state authority given to utilities. A municipality with a valid utility has the authority to collect funds from affected ("benefited") property owners to recover the capital cost of an improvement specific to a geographic area. This does not require a vote of those affected, but obviously the City would want to ensure there is consensus around the solution and costs before proceeding with such a district. The City is also the only body in a position to seek grant or other State funding to help offset costs to the extent possible.

These are important developments that suggest a potential way forward. The steps in this process might include:

1. Finish out the full engineering feasibility analysis of the primary options (small-scale distributed system, mid-scale meso-systems, and super pond) including a cost analysis (construction and maintenance). Jack has already done the EFA analysis for the "super pond" and mid-scale systems.

2. Work with the City on funding, cost, and payment structure.

3. Have Jack make a formal application to the Stormwater Utility for takeover of the stormwater system.

Because BF/OCV is such a large project with a high proportion of publicly-owned impervious surface, Juli Beth said the City would likely do the contracting and financing for implementing a solution. Many of the small condo associations are doing this on their own.

It should be noted that this meeting was well attended, but largely by members who have been active in the Stormwater Working Group in the past. It is likely that the majority of residents in BF/OCV are still not aware of the important decisions that need to be made. The City, UVM, and members of the Stormwater Study Group should do what we can help inform the rest of the neighborhood about what is happening so that decisions can be made.