



Commission
Regional Planning
Commission

Stormwater Community Meeting

Navigating the State's Three-Acre Rule & Future Local Approaches

Date: Tuesday, June 23, 2026

Swanton Village Municipal Complex & Zoom

Location: Swanton Village Municipal Complex & Zoom

Hosted By: Northwest Regional Planning Commission
(NRPC) & VT Department of Environmental
Conservation (DEC)

We will begin shortly. Please find a seat and get comfortable.

Why We Are Here Tonight



The Rule (General Permit 3-9050)

Vermont's updated operational stormwater permit applies to parcels with 3 or more acres of impervious surface (roofs, parking lots, roads) to manage runoff.



The Reason (Lake Champlain TMDL)

Stormwater runoff contributes roughly 20% of the phosphorus load to Lake Champlain. Upgrading legacy systems is a required step to restore local water quality under the VT Clean Water Act.



The Goal (Pathways to Compliance)

To demystify the regulatory mechanics, outline the application timelines, and explore how regional utility studies might impact local landowners.

Access Tonight's Materials



Point your smartphone camera here.

1

Sign In

Register your attendance (both in-person and Zoom).

2

Download Slides

Get direct access to the technical presentations for closer reading.

3

Stay Updated

Join the list to receive future notifications regarding DEC funding opportunities and utility study outcomes.

Tonight's Playbook

6:30 PM | Welcome & Context

Arrival, digital onboarding, and meeting framework.

6:40 PM | Regulatory Mechanics

VT DEC outlines the 3-Acre technical criteria, timelines, and the application process.

7:15 PM | Utility Study Implications

NRPC provides an update on the Regional Stormwater Utility Study's emerging recommendations.

7:35 PM | Q & A

Moderated open floor for your specific compliance and planning questions.

Speakers



Dean Pierce (Moderator)

Senior Planner, NRPC

Focus:

Meeting facilitation,
regional planning context,
and Q&A moderation.



Terry Purcell & Brodie Haenke

Stormwater Program, VT DEC

Focus:

State regulatory
requirements (General Permit
3-9050), technical criteria, and
the engineering feasibility
application process.



Catherine Dimitruk

Executive Director, NRPC

Focus:

Local implementation,
municipal coordination, and
the Regional Stormwater
Utility Study.

Part I: Regulatory Mechanics & Routes to Compliance

Handing the floor to the VT Department of
Environmental Conservation (DEC)

Three-Acre Site Stormwater Permitting Public Information Session



Vermont Department of Environmental Conservation
Stormwater Program

Northwest Regional Planning Commission

What is an Operational Stormwater Discharge Permit?

- Operational permits require that stormwater runoff from regulated impervious surfaces is captured, treated, and/or controlled prior to reaching receiving waters, such that the impacts from the development activity on receiving waters are eliminated or greatly minimized.
 - General Permit 3-9050
 - Individual Permit (INDS)
- The permit is essentially a legal agreement in perpetuity between property owners and the State of Vermont on the quantity, quality, and conveyance of stormwater runoff leaving a site and entering a surface water or otherwise discharging to groundwater.

Why are operational permits required?

Stormwater runoff is one of the greatest threats to clean water and aquatic habitats

Strong link between the amount of impervious surface cover and the health of receiving waters for the stormwater runoff from those surfaces:

- Lowers potential for infiltration, increases surface runoff, reduces groundwater recharge
- Alters hydrology of streams and rivers resulting in higher peak flows, increased sediment deposits, erosion of the bed and banks, other deleterious changes to stream and river channels
- Water quality impacts from increased loads of nutrients, suspended solids, organic chemicals, heavy metals, bacteria, other pollutants to waterways

Permitting Authority

- VT Water Pollution Control statute, 10 V.S.A. Chapter 47, sections 1258 and 1264, Vermont Stormwater Permitting Rule

Operational permits are post-construction permits applicable for stormwater runoff from impervious surfaces when the area of impervious surface equals or exceeds a jurisdictional threshold.

Requires a stormwater runoff treatment system built in accordance with the 2017 Vermont Stormwater Management Manual

- General Permit 3-9050
- Individual Permits

When is an operational permit needed?

- Current Regulatory Thresholds
 - $\geq \frac{1}{2}$ acre of new impervious surface (as of 7/1/22), on previously undeveloped parcels
 - $\geq \frac{1}{2}$ acre of redeveloped impervious surface (as of 7/1/22)
 - Any expansion of impervious surface on a site previously permitted under $\frac{1}{2}$ acre threshold
 - Expansion of impervious such that total resulting impervious is ≥ 1 acre; cumulative expansions totaling less than 5,000-sf since July 2005 exempt, however expansion beyond that is subject to permit;
 - Three Acre Sites
 - Discharges of regulated stormwater runoff from older existing impervious surfaces of ≥ 3 acres (previously unpermitted – single tract of land; or tract(s) previously permitted under pre-2002 requirements).

What is an Impervious Surface?

Regulated impervious surfaces include paved and unpaved roads, driveways, and parking areas; roofs; and sidewalks or walkways, from which precipitation runs off rather than infiltrates.



When Is a Permit Not Needed?

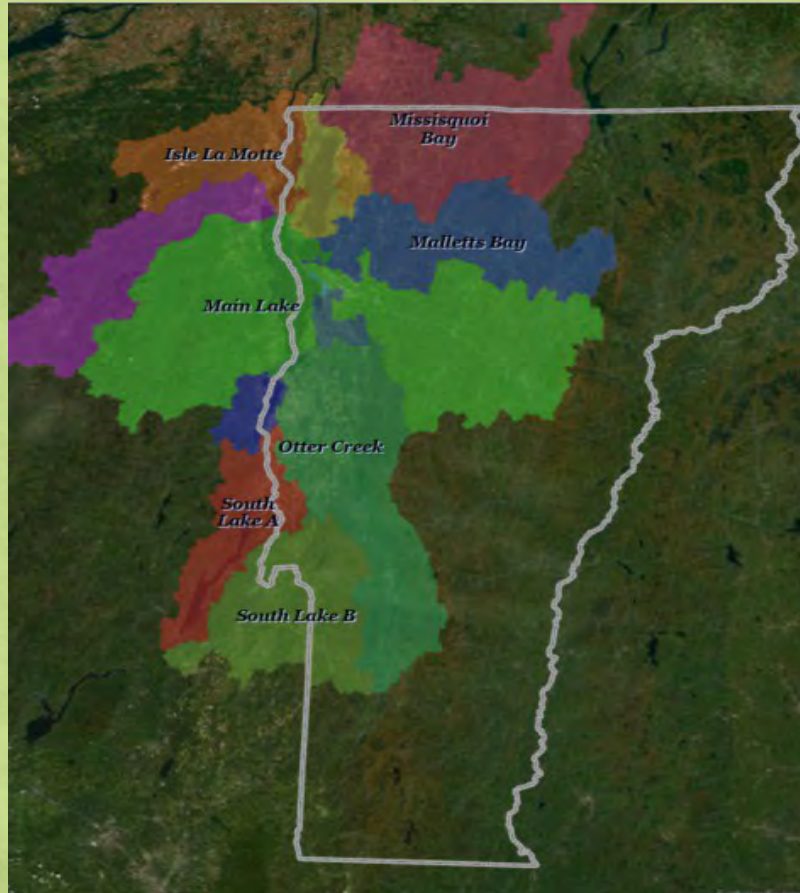
- Projects that do not cross the regulatory threshold.
- Stormwater runoff from farms in compliance with Required Agricultural Practices (RAPs), per AAFM.
- Stormwater runoff from accepted silvicultural practices when in compliance with Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont (AMPs), per FPR.
- Stormwater runoff covered by a State wastewater permit (e.g. combined storm/sewer systems).

3-Acre Sites

VT Clean Water Act (Act 64 of 2015) requires ANR to regulate these sites as part of a broader effort to meet TMDL pollutant reduction targets, and to protect and restore water quality statewide.

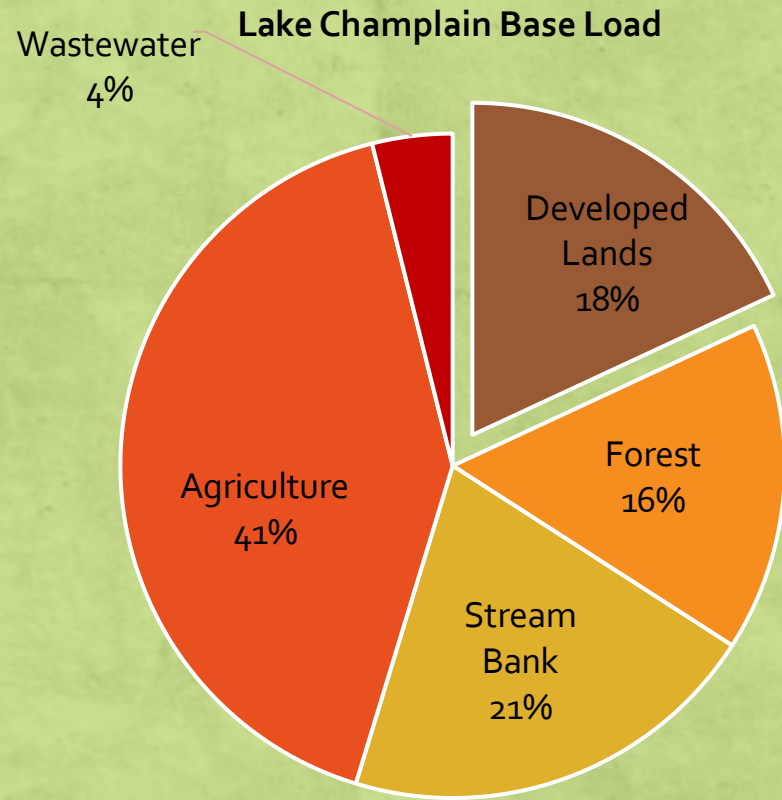
- Lake Champlain and Lake Memphremagog to address Phosphorus TMDLs.
- Stormwater-Impaired Watersheds to address Stormwater Runoff Volume TMDLs and including some impairments without TMDLs.
 - Most in Chittenden County, others in Franklin and Rutland Counties

Lake Champlain TMDL



- The Lake Champlain Total Maximum Daily Load (TMDL) was issued in 2016 by the Environmental Protection Agency (EPA).
- The TMDL is designed to address excess phosphorus that causes algae blooms and has impaired the water quality of the lake.
- Cap on maximum phosphorus allowed to enter the lake and still meet VT Water Quality Standards

Lake Champlain TMDL



The TMDL requires phosphorus reductions from:

- Agriculture
- Wastewater
- Forestry
- Stream Bank Erosion
- Developed Lands

Reduction of 213 Metric Tons
of phosphorus per year (34%)

Act 64 and TMDL Implementation for Developed Lands

Phosphorus reductions from developed land come from:

- Municipal Roads General Permit (MRGP)
- MS₄ General Permit – Phosphorus Control Plan for larger municipalities, municipal roads requirements
- TS₄ General Permit – Phosphorus Control Plan for VTTrans
- 3-Acre Permitting Requirements

What is a 3-acre site?

- Single parcel with ≥ 3 acres of impervious surface if any portion of on-site impervious had no operational stormwater permit or a pre-2002 permit; or,
 - A multi-lot project with a pre-2002 operational stormwater permit for ≥ 3 acres of impervious surface; and
 - Adjacent or adjoining impervious surfaces where part of a related operation (e.g. a campus)
-
- Limited to sites that met these criteria as of March 15, 2019 - date when new SW Permitting Rule incorporating 3-acre sites became effective

3-Acre Sites



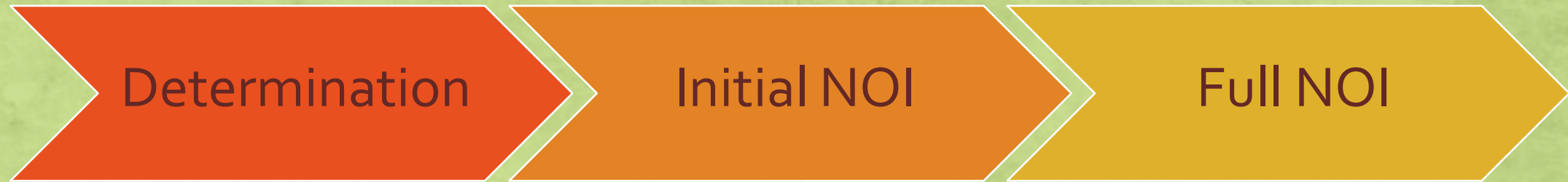
- Approximately 670 sites in the Lake Champlain and Lake Memphremagog Basins
- More information, including list of sites:
<https://dec.vermont.gov/watershed/stormwater/operational-permits>

Initial Regulation Timeline



Lake Champlain – 2022
Stormwater-Impaired Watersheds – 2022
Lake Memphremagog – 2023
CT River and Hudson River Basins – 2033

Initial Three-Acre Permitting Timeline (established in 2020)



DEC identified and contacted property owners and permittees

Letters were sent 9/2019, 9/2020, 3/2024, 8/2024

Application Deadlines 12/2021-1/2023

Owners could previously apply for an initial NOI which included basic site information. No design

Authorization was valid for **18 months**. New initial NOI applications no longer accepted.

Application Deadlines 6/2023-7/2024

Applicants must propose how treatment standards will be met.

Authorization is valid for **5 years**.

Treatment must be built by end of the first permit term.

Three-Acre Permitting Timeline – Revised 2025

- Act 37 “An act related to stormwater management,” took effect July 2025
- General Permit 3-9050 reissued in December 2025
- Extended deadlines by which owners of 3-acre sites not yet fully permitted must complete permitting
- Lake Champlain, Lake Memph., and SW-impaired waters:
- Permit application submittal due October 1, 2027
- Permit obtainment due October 1, 2028
- Improvements must be implemented by October 1, 2033 for all sites regardless of permit issuance date

Three-Acre Permitting Timeline – Revised 2025

- All Other Watersheds (ex. Hudson and CT River in eastern and southern Vermont):
- Permit application submittal due October 1, 2037
- Permit obtainment due October 1, 2038
- (Or no later than 5 years after a binding stormwater-specific waste-load allocation has been established for the watershed)

Water Quality Treatment Standard Practices

Divided into Tiers based upon pollutant removal efficiencies and potential for runoff reduction

- Tier 1: infiltration (basins, trenches, chambers, bioretention, dry swales, filter systems), disconnection.
- Tier 2: gravel wetlands, bioretention (not designed to infiltrate).
- Tier 3: wet ponds, non-infiltrating filter systems, non-infiltrating dry swales, shallow surface wetlands.
- Highest tier practice must be implemented if feasible.

Tier 1 STP



Tier 2 STP



Tier 3 STP



Alternative Treatment Practices



Where does a 3-acre site start? Engineering Feasibility Analysis (EFA)

Don't need to:

- Purchase additional land
- Pump stormwater
- Construct in floodplains or wetlands

Do need to:

- Consider feasibility of underground treatment (ex. temporary removal of a parking lot surface or other site modifications to install sub-surface treatment/control).
- Prioritize Tier 1 Practices

Treatment Standards for 3-acre sites (non-stormwater-impaired waters)

Redevelopment Standard: Treat 50% of the Water Quality Volume (WQ_v) on the site

The Water Quality Volume treats the first 1" of runoff from the site's impervious surfaces. Examples of Treatment Practices:

- Disconnection of Impervious surfaces
- Bioretention/Rain Gardens
- Infiltration basins, trenches, and chambers
- Gravel Wetlands
- Dry Swales
- Sand Filters

Treatment Standards for 3-acre sites: Stormwater-Impaired Waters

Additional standards required for these discharges

Redevelopment Standard: Treat 50% of the Water Quality Volume (WQ_v) from the site's impervious surfaces.

AND

Channel Protection Standard: 1-year 24-hour storm runoff volume released over 12/24-hours, maximize compliance.

To protect stream channels from scour and erosion which is most often the cause of the stormwater impairment.

Who Must Apply?

General Permit 3-9050 states:

- *An applicant for coverage under this permit shall own the impervious surface for which permit coverage is required and the lands on which the stormwater system required to comply with Subpart 3.1 of this general permit is located. If the applicant does not own the impervious surface, or lands on which the stormwater system used to comply with the requirements of Subpart 3.1 is located, the owner shall be a co-applicant...*

In other words, owner(s) of the impervious surface need to apply for the permit.

Who Must Apply?

- Multi-lot developments with municipally owned impervious surfaces require private landowners and municipality to apply as co-applicants.
 - Municipality
 - Association or similar common legal entity
- Municipality may be sole applicant if they assume full legal responsibility for the impervious surface and stormwater system.
- Single parcel development, landowner will apply.

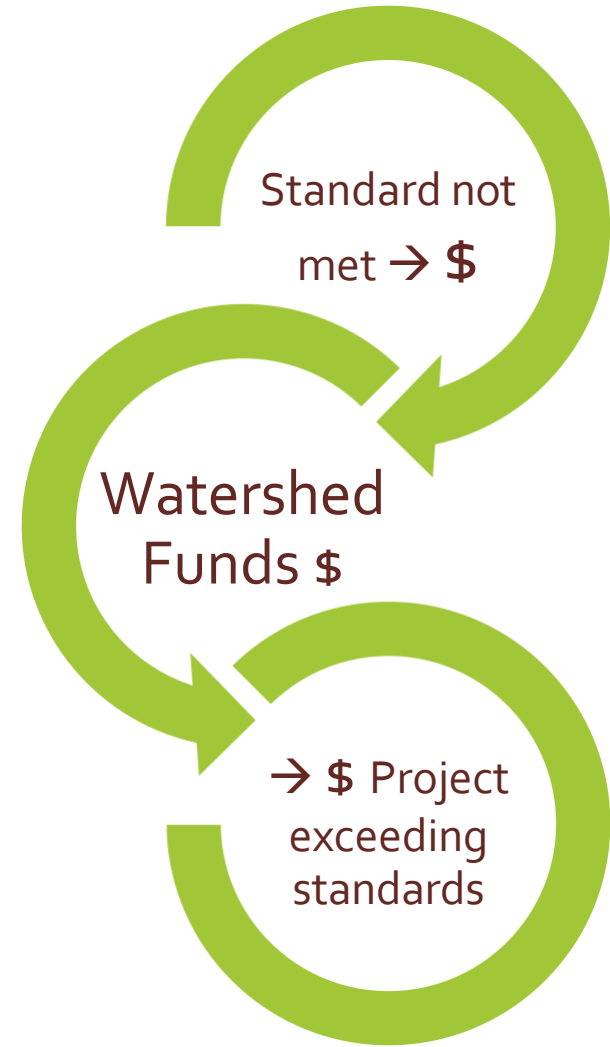
Application Process

- Professional engineer required to prepare a permit application
- List of consulting engineers on Stormwater Program website
- Application materials submitted to DEC with required fees
- DEC administrative and technical review of application
- Engineer makes any necessary changes in response to DEC comments
- Application determined to be complete by DEC & placed on public notice
- Permit issued to applicant and 5-year permit term begins

Impact Fees

- Redevelopment Standard (50% of Water Quality Volume)
 - $\$25,000/\text{acre} * (\text{required volume} - \text{actual treatment volume provided})$
 - $\$25,000/\text{acre} * (50\% - 0\%) =$
 $\$12,500/\text{acre maximum fee}$
- Channel Protection Standard
 $\$25,000/\text{acre} * \text{impervious area acreage not meeting standard.}$
 - **$\$25,000/\text{acre maximum fee}$**

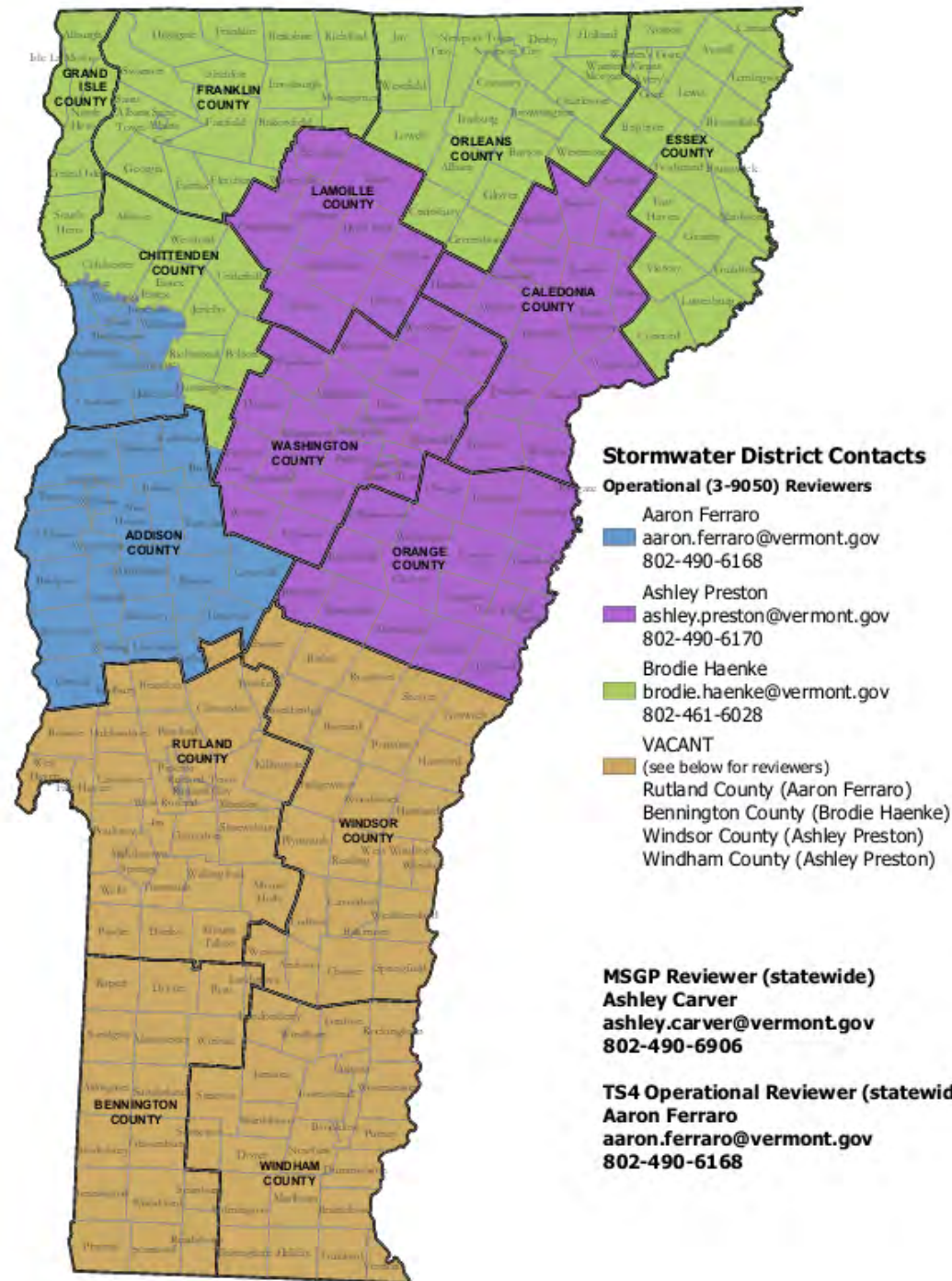
Impact fees are one-time payments that must be paid by sites that are unable to fully meet standards prior to permit issuance.



We have our permit, now what?

- Post Issuance Requirements for Permittees
 - Implement three-acre improvements by Oct. 1 2033
 - Record issued permit in land records
 - Annual inspections, annual operating fees, and report submittals required
 - Licensed engineer must certify the system was installed in accordance with the permit and is functioning properly
 - Licensed engineer must recertify the system at the time of permit renewal (every 5 years).
 - Maintenance important for continuing functionality of permitted systems

Technical or regulatory assistance



What financial assistance is available?

- Permit Obtainment Assistance (POA) funding was available to assist with engineering costs, application costs, and final permit obtainment. American Rescue Plan Act (ARPA) provided these funds, with \$49,999 available per eligible site.
 - The application deadline for this grant funding has passed. Those already enrolled remain eligible to receive these funds.
- Clean Water State Revolving Fund (SWSRF)
 - Projects may be eligible in certain instances, particularly if there is a public-private partnership.

Other assistance provided...

- Green Schools – Provides funding for both permit obtainment and implementation for school compliance with 3-acre stormwater requirements.
- Manufactured Housing Communities (MHCs) – Provides funding for both permit obtainment and implementation
- Contact Danny Bouwens if you have 3-acre financial assistance questions:
- Daniel.Bouwens@vermont.gov
- 802-461-5098

Questions and Comments

Terry Purcell, Operational Section Supervisor

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Brodie Haenke, Environmental Analyst

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802-490-6028

Open Q&A Session (7:35 PM – 8:00 PM)



In-Person Attendees

Please raise your hand and wait for the moderator (Dean) to call on you. State your name and town before your question.



Zoom Attendees

Submit your questions via the Zoom Chat feature at any time. The moderator will read them aloud for the panel.



Topic Scope

Focus on regulatory mechanics, timelines, and the utility study.

Note: DEC staff cannot provide in-depth details on future individual funding grants tonight, but can provide contact info for the Water Investment Division.

Regional Stormwater Utility Study Committee

What this committee is doing

Reviewing whether Vermont should create regional stormwater utility districts to improve compliance, funding, and equity for stormwater management.

Timing

The group is meeting monthly and must report its findings by January 15, 2027.

Purpose and statutory basis

Created by Act 37 of 2025, Section 12.

Tasked with reviewing the feasibility and benefits of regional stormwater utility districts.

Intended to help implement and comply with Vermont water quality laws.

Also asked to propose statutory changes if needed.

Key deliverable

A report due January 15, 2027.

Committee membership

Commissioner of Environmental Conservation or designee

Vermont League of Cities and Towns

MS4 municipality representative

Small municipality under 2,500 people

Green Mountain Water Environment Association

Commercial or industrial business owner subject to the three-acre permit

Environmental advocacy organization

Regional planning commission

Non-MS4 downtown municipality with water and sewer infrastructure

The membership is deliberately broad

It includes state, municipal, business, advocacy, and regional planning perspectives.

Main questions under review

What statutory authority already exists, and what obstacles might limit utility formation?

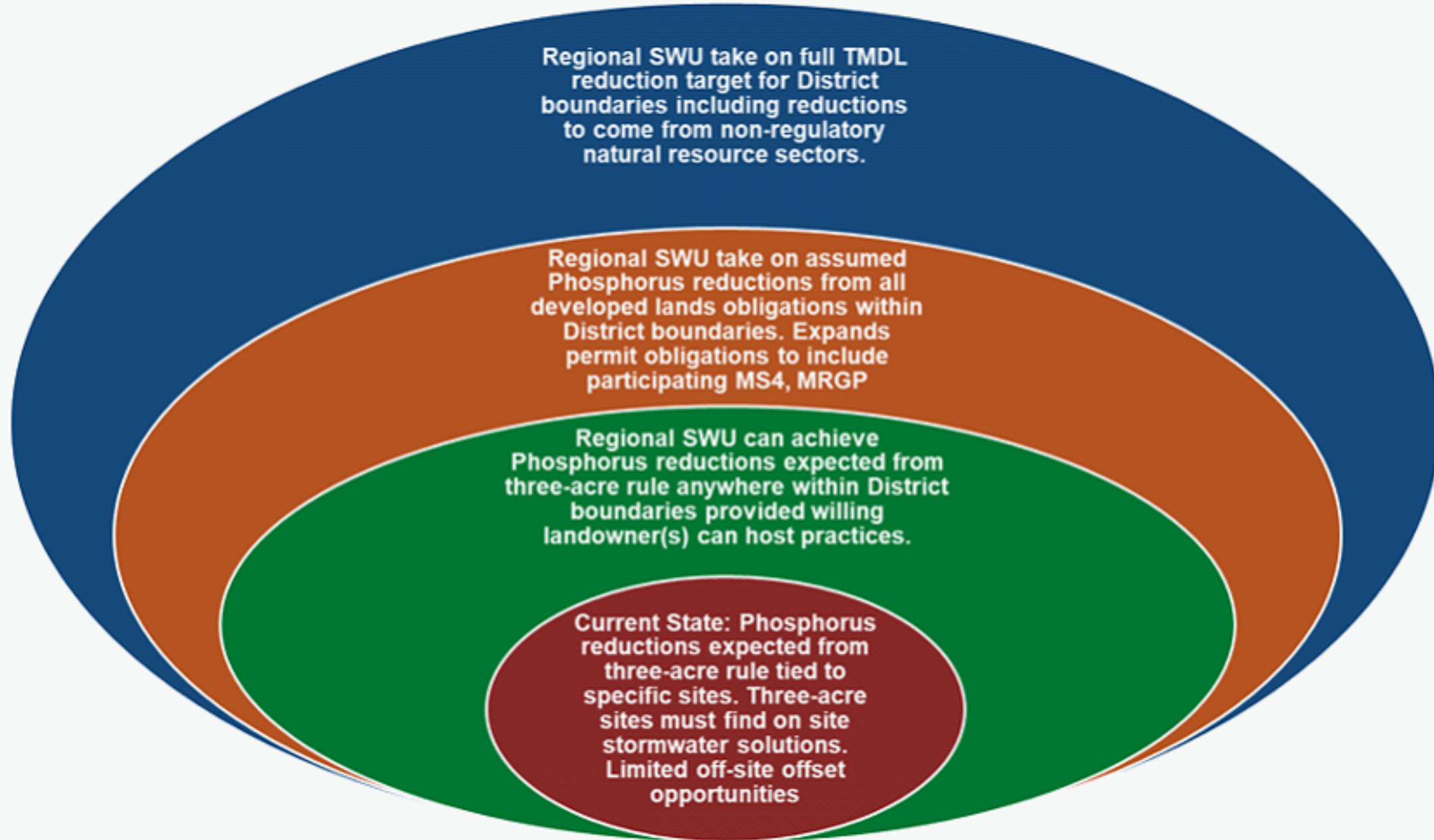
How could a regional utility take on permitting responsibilities and phosphorus reduction targets for three-acre sites?

How should a utility raise and distribute revenue in a way that is cost-effective and equitable?

Could a regional utility access the Clean Water State Revolving Loan Fund and other state financial assistance?

How should parcel-based issues be handled, including properties without an accountable entity?

Could permitting be streamlined, and what would a regional utility cost to operate?



Discussion themes and working frame

Current discussion topics

Scale: local, regional, or statewide; funding sources and funding needs; equity; and phosphorus credit trading.

Equity question: should the system focus only on three-acre sites, or on all impervious surfaces?
The committee is considering whether trading phosphorus credits could improve flexibility.
Four scenarios are being evaluated.

Bottom line

This is a feasibility and design study, not yet a final policy decision.

Short takeaways

Why the study matters

Regional utility districts could potentially centralize compliance, distribute costs more broadly, and address stormwater problems that do not fit neatly within one parcel or municipality.

What remains open

The committee still has to determine the best structure, funding mechanism, authority, and operating cost before making recommendations.

Next milestone

Monthly meetings continue through the report due date of January 15, 2027.

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Thank You For Attending

Managing stormwater is a community effort.
We appreciate your time and engagement tonight.

DEC Regulatory Contacts

- Terry Purcell:
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- Brodie Haenke:
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- Website: dec.vermont.gov/watershed

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