MEMORANDUM

Date: March 18, 2016

To: St. Albans City Planning Commission

From: Chip Sawyer, Director of Planning & Development

Re: Draft stormwater management ordinance and stream corridor protection rules

At Monday's meeting, we will have a presentation from consultants on some new ordinance and bylaw rules that the City is required to adopt as part of our MS4 stormwater permit.

There are two pieces that we will be looking at.

The first is a set of new rules that govern erosion controls during construction on a property in the City and then require water quality goals for the development after it is complete. These rules are being proposed for the City Ordinances, not the Land Development Regulations, but there will be a role for our Permitting Administrator in implementing these rules. These types of rules are typically done as ordinances, not as permitting regulations.

The second is a set of new stream corridor protection rules proposed for our Land Development Regulations. Under this proposal, we would have new development stay further away from Stevens, Rugg, and Grice Brooks than we have been used to in the past. Furthermore the rules would encourage the growth of vegetation along stream banks for all properties, including existing development.

Not only would the proposed rules fulfill our MS4 permit conditions, but they will also help the City comply with new upcoming phosphorous reduction rules and generally reduce the water quality impacts of property use in the City overall.

This presentation will be a chance to inform the Planning Commission of these new regulatory roles for the City and answer any questions you may have. We do not anticipate getting into the detailed aspects of stormwater management requirements as part of the meeting.

We are hoping that the City Council would be able to adopt these rules by the end of next year. We will begin planning for community engagement over the summer on these issues.

I look forward to the conversation on Monday.

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CHAPTER X

STORMWATER

SECTION 1. STATEMENT OF FINDINGS AND PURPOSE

The St. Albans City Council finds and declares that:

A. Land development activities and associated increases in the amount of impervious cover within a watershed often alter the hydrologic response and water quality aspects of local watersheds and increase stormwater runoff rates and volumes, flooding, stream channel erosion, sediment transport and deposition and the concentration of waterborne pollutants and pathogens.

B. Clearing and grading during construction tend to increase soil erosion and reduce the native vegetation important for terrestrial habitat, for stream regulation through shading and for maintenance of natural food cycles important to food chains and aquatic habitat. Effective erosion controls are important techniques in preventing water pollution, soil loss, wildlife habitat loss and human property loss. Clearing and grading is particularly disruptive within stream corridors, contributing to streambank erosion, loss of vegetative cover, overland transport of pollutants into the stream, and loss of riparian habitat.

C. Improper design and construction of stormwater management practices can increase downstream flooding and increase the velocity of stormwater runoff causing stream bank erosion and buildup of sedimentation.

D. Impervious surfaces allow less water to percolate into the soil, thereby decreasing groundwater recharge and stream base flow.

E. Stormwater runoff, soil erosion and non-point source pollution can be controlled, minimized and in some cases eliminated through the regulation of stormwater runoff from land development activities. Illicit discharges must be eliminated.

F. The regulation of stormwater discharges from new development and redevelopment of existing sites, the elimination of illicit discharges and the control of erosion and sediment discharge is in the public interest and will minimize threats to public health and safety posed by unmanaged runoff.

The purpose of this Ordinance is to protect the public health, safety and welfare of the City of St Albans by protecting the Municipal Separate Storm Sewer System (hereinafter "MS4") and surface waters in the City from:

A. The adverse effects of stormwater discharges from new development and redevelopment of existing sites;
B. Illicit discharges, and
C. The discharge of erosion and sediment.

This Ordinance defines what constitutes a public nuisance relating to illicit discharges, soil erosion and stormwater management related to land disturbance activities. This Ordinance provides procedures for the abatement or removal of such public nuisance as the public health, safety or welfare may require. This Ordinance also establishes methods for controlling the discharge of sediment, stormwater and non-stormwater discharges into the MS4, and/or surface or ground water in order to comply with the requirements of the National Pollutant Discharge Elimination System (NPDES) permit process, and General Permit No. 3-9014 as issued by the State of Vermont.

SECTION 2. AUTHORITY

This Ordinance is adopted by the City Council of the City of St Albans under authority of 24 V.S.A § 2291, Subsection 14.

Related Documents:
- Land Development Regulations
- City Roadway Standards
- Stormwater Maintenance Agreement
- VSMM I & II
- Low Risk Site Handbook for Erosion Prevention and Sediment Control
- Technical Guidance for Construction and Post-Construction Controls

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SECTION 3. DEFINITIONS

For the purposes of this Ordinance, the following words and/or phrases shall apply:

Administrator. The City Manager of the City of St. Albans.

Agent. A person authorized to act in the place of another person.

Applicant. A property owner or duly designated representative who files an application for a land disturbance activity.

Best Management Practices or BMPs. A schedule of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce water pollution.

Certified Professional in Erosion and Sediment Control or CPESC. An individual holding a certification in good standing as a Certified Professional in Erosion and Sediment Control from EnviroCert International, Inc.

Clearing. Any activity that removes the vegetative surface cover.

Construction. Land-disturbing activity associated with development, including land preparation such as clearing, grading, and filling; installation of streets and walkways; excavation for basements, footings, piers, or foundations; erection of temporary forms; and installation of accessory buildings such as garages.

Common Plan of Development. A development that is completed in phases or stages when such phases or stages share a common state or City permit related to the regulation of land use, the discharge of wastewater or a discharge to surface waters or groundwater, or a development designed with shared common infrastructure. Common plans of development include, but are not limited to, subdivisions, industrial and commercial parks, and university and other campuses. Construction activities or portions of construction activities that have achieved final stabilization as of the effective date of this Ordinance shall not be considered for purposes of determining what constitutes disturbance under a common plan of development that requires coverage under this Ordinance. Following completion of the common plan components on a parcel of land, any additional development of the parcel shall be considered as separate from the original common plan for the purposes of evaluating whether one or more acres of land will be disturbed.

This language is from Appendix C of the Vermont Construction General Permit.

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Construction Activity. Activities subject to [NPDES] Construction Permits. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

Construction Season. The period of time between May 1 and October 14 when land disturbance activities generally are permitted under this Ordinance.

Construction Stormwater Standards. The provisions and requirements of the City of St. Albans for construction-phase stormwater runoff control contained in the City of St. Albans Construction Stormwater Guidance Document, which document shall be kept on file with the City Clerk and which may be amended from time to time upon approval of the City Council.

Construction and Demolition Debris. Those materials resulting from the alteration, construction, destruction, rehabilitation, or repair of any manmade physical structure including houses, buildings, industrial or commercial facilities, and roadways.

Department of Public Works. The employees, contractors or designees of the Director of Public Works.

Designated Enforcement Officer. The Zoning Administrator or other City officers as may be designated by the City Council.

Development Review Board. The Development Review Board for the City of St Albans, established pursuant to 24 VSA § 4460.

Director. The Director of Public Works for the City of St Albans.

Drainage Way. Any channel that conveys surface runoff on a site.

Erosion Control. A measure that prevents or controls wind or water erosion in agriculture, land development, coastal areas, riverbanks or construction.

Erosion and Sediment Control Plan. A plan indicating the specific measures and sequencing to be used to control sediment and erosion on a development site during and after construction. The required content of an Erosion and Sediment Control Plan is specified in the City of St. Albans Construction Stormwater Guidance Document, as amended from time to time, which is incorporated by reference into this Ordinance.

The City is only responsible for the review of these simplified plans; anything disturbing more than an acre individually or as part of a common plan will go to the State for review.

Grading. Any excavation or fill of material, including the resulting conditions thereof.

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Hazardous Materials. Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Illegal Discharge. Any direct or indirect non-stormwater discharge to the MS4, except as exempted in Section 6.4 of this Ordinance.

Illicit Connections. Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the MS4, including but not limited to any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the MS4, and any connections to the MS4, from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by the Director of Public Works.

Impervious Surface. Those manmade surfaces, including paved and unpaved roads, parking areas, roofs, driveways, and walkways, from which precipitation runs off rather than infiltrates.

Industrial Activity. Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b) (14).

Infiltration Basin. Any structure or device designed to infiltrate retained water to the subsurface.

Land Development. The construction or re-construction of impervious surface on a tract or tracts of land.

Land Disturbance Activities. Any land disturbance subject to a Zoning Permit or any other approval issued pursuant to any regulation or ordinance of the City of St Albans that disturbs or breaks the topsoil or results in the movement of earth on land.

Limits of Disturbance. The boundary within which all construction, materials and equipment storage, grading, landscaping and related activities shall occur.

Maintenance Agreement. A legally recorded document that acts as a property deed restriction, and which provides for long-term maintenance of stormwater management practices.

This definition is proposed as an "umbrella" / generic placeholder for all maintenance agreements adopted by or used in the City

Municipal Separate Storm Sewer System or MS4. A conveyance or system of conveyances (including roads with

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drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains): (i)owned or operated by the City of St Albans that discharges to surface waters or ground water.; (ii) designed or used for collecting or conveying stormwater; (iii) which is not a combined sewer; and (iv) which is not part of a Publicly Owned Treatment Works (POTW) as defined in 40 CFR, Section 122.2

National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit. A permit issued by EPA (or by the State of Vermont under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Non-point Source Pollution. Pollution from any source other than from any discernible, confined, and discrete conveyances, and shall include, but not be limited to, pollutants from mining, construction, subsurface disposal and urban runoff sources.

Non-Stormwater Discharge. Any discharge to the MS4 that is not composed entirely of stormwater.

Person. Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner, the owner's agent, or the operator of a premises.

Pollutant. Anything that causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coli form and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Premises. Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Sediment. Soil, sand, and minerals washed from land into surface waters or onto other lands.

Sediment Control. Measures that prevent eroded sediment from leaving the Site.

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Site. A parcel of land or a contiguous combination thereof, where grading work is performed as a single unified operation.

Soil Erosion. When land or soil is diminished or worn due to wind or water.

Stabilization. The use of accepted practices that prevent exposed soil from eroding.

Start of Construction. The first land-disturbing activity associated with a development, including land preparation such as clearing, grading, and filling; installation of streets and walkways; excavation for basements, footings, piers, or foundations; erection of temporary forms; and installation of accessory buildings such as garages.

Stormwater. Precipitation and snowmelt that does not infiltrate into the soil, including material dissolved or suspended in it, but does not include discharges from undisturbed natural terrain.

Stormwater Management. The use of structural or non-structural practices that are designed to reduce stormwater runoff pollutant loads, discharge volumes, peak flow discharge and detrimental changes in stream temperature that affect water quality and habitat.

Stormwater Management Plan, Major. A comprehensive plan consistent with the requirements of the Vermont Stormwater Management Manual, Volume I and Volume II, as most recently adopted by the Vermont Department of Environmental Conservation, and designed to manage the volume, rate and pollutant load of stormwater runoff after a site has undergone final stabilization following completion of the construction activity.

Stormwater Management Plan, Simplified. A comprehensive plan consistent with the City of St. Albans Stormwater Management Standards, as amended from time to time, that is designed to manage the volume, rate and pollutant load of stormwater runoff after a site has undergone final stabilization following completion of the construction activity.

Stormwater Management Standards. The provisions and requirements of the City of St. Albans for post-construction stormwater runoff control contained in the City of St. Albans Stormwater Guidance Document, which document shall be kept on file with the City Clerk, as amended from time to time.

In this draft, staff would prepare the guidance documents, and Council would adopt

Stormwater Runoff. Precipitation, snowmelt, and the material dissolved or suspended in precipitation and snowmelt that runs off impervious surfaces and discharges into surface waters or into groundwater via infiltration.

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Stormwater Treatment Practices. Measures, either structural or nonstructural, that are determined to be effective and practical means of preventing or reducing point source or non-point source pollution inputs to stormwater runoff and water bodies.

Stream Corridor. All lands within the City of St Albans lying within thirty (30) feet horizontal distance from the top of bank of the main stem of and tributaries to Rugg Brook and Stevens Brook, as depicted on Map A attached to this Ordinance.

Defines "stream corridor" for purposes of this ordinance. This could be added to the LDRs in addition to, or in place of, inclusion in the Stormwater Ordinance

Surface Waters. Any receiving waters existing on the surface of the ground, including but not limited to; brooks, streams, rivers, wetlands, ponds, or lakes.

Wastewater. Any water or other liquid, other than uncontaminated stormwater, discharged from premises.

Watercourse. Any body of water, including, but not limited to lakes, ponds, rivers, streams, and bodies of water delineated by the City of St Albans.

Waterway. A channel that directs surface runoff to a watercourse or to the public storm drain.

Zoning Administrator. The Zoning Administrator for the City of St Albans.

Zoning Permit. A permit approved by the Zoning Administrator which authorizes any land disturbance activities in the City of St Albans.

SECTION 4. APPLICABILITY

This Ordinance shall apply to all lands lying within the City of St Albans. Specific provisions shall apply only to designated areas as indicated in the Sections within this Ordinance.

SECTION 5. ADMINISTRATION

5.1 Administration

Except where specifically noted in this Ordinance, The Director of Public Works shall administer, implement, and enforce the provisions of this Ordinance. Any powers granted to or duties imposed upon the Director of Public Works may be delegated by the Director to persons or entities acting in the beneficial interest of or in the employ of the City of St Albans.

The Director of Public Works is the principal administrator, but has authority to delegate portions to others

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5.2 Technical Review

In the event the Director of Public Works or Zoning Administrator finds, in the discharge of his/her duties under this Ordinance, that her/she requires the assistance of qualified professionals in stormwater management, erosion control, engineering or related fields to determine compliance with the provisions of this Ordinance, the Director of Public Works or Zoning Administrator, as applicable, may require an independent review of one or more aspects of a permit, plan or application, with the cost of the review to be paid by the applicant or permittee.

Technical review at the applicant's expense is authorized under 24 VSA §4461(c). This is intended to clarify when and how the City will use this procedure for stormwater issues.

SECTION 6. ILLICIT DISCHARGE AND STORMWATER CONNECTION

6.1 Purpose and Intent.

Under the authority set forth in 24 V.S.A § 2291, specifically subsection (14), and to provide for the public health, safety, welfare and convenience, it is hereby declared that it shall be a public nuisance for anyone to contribute pollutants, illegally connect, or illegally discharge into the Municipal Separate Storm Sewer System, (MS4), or to otherwise discharge non-stormwater discharges in violation of the requirements of this Ordinance. It is the further purpose of this Section to provide procedures for the regulation of non-stormwater discharges to the MS4, and where required by public health, safety, or welfare, to provide for the abatement or removal of any public nuisance related thereto. This Section establishes methods for controlling the introduction of pollutants into the MS4 in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process, and General Permit No. 3-9014 as issued by the State of Vermont.

The objectives of this Section are:

A. To regulate the introduction of pollutants to the MS4 from non-stormwater discharges by any user;

B. To prohibit illicit connections and illegal discharges to the MS4;

C. To establish legal authority to carry out all inspection, monitoring, and enforcement procedures necessary to ensure compliance with this Article.

6.2 Applicability.

This Article applies to all properties within the City of St. Albans.

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6.3 Prohibitions.

A. No person shall throw, deposit, leave, maintain, keep, or permit to be thrown, deposited, left, or maintained, in or upon any premise, public or private property, driveway, parking area, street, alley, sidewalk, component of the MS4, or any surface water of the City of St. Albans, any object or material, including but not limited to: Refuse, rubbish, garbage, animal waste, litter, yard waste, or other discarded or abandoned objects, articles, and accumulations, so that the same may cause or contribute to pollution, or interfere with the operation, maintenance and access to the MS4. Wastes deposited in streets in proper waste receptacles for the purposes of collection are exempted from this prohibition.

B. The construction, use, maintenance or continued existence of illicit connections to the MS4 are prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

C. No person shall discharge or cause to be discharged into the MS4, any materials, including but not limited to pollutants or waters containing any pollutants, other than stormwater, or any materials that may impede the natural flow of stormwater or the functionality of the MS4.

6.4 Exemptions.

The commencement or continuance of any illegal discharge to the MS4 is prohibited except as described as follows:

A. Water line flushing or other potable water sources, landscape irrigation or lawn watering, approved stream flow diversions, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wetland flows, swimming pool draining (if dechlorinated - typically less than one PPM chlorine), fire fighting activities, and any other water source not containing Pollutants.

B. Discharges specified in writing by the Director of Public Works as being necessary to protect public health and safety.

C. Dye testing is an allowable discharge, but requires notification of, and acknowledgement of receipt of notification by, the Director of Public Works prior to the time of the test.

City/DPW should specify preference for notification for dye testing.

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D. The prohibition in this Section shall not apply to any non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the United States Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the MS4 by the Director.

6.5 Industrial or Construction Activity Discharges.

Any person subject to an industrial or construction activity NPDES stormwater discharge regulation, and/or permit shall comply with all provisions of such regulation and/or permit. Proof of compliance with said regulation and/or permit may be required in a form acceptable to the Director prior to allowing such discharges to the MS4.

SECTION 7. MONITORING OF DISCHARGES

7.1 Applicability.

This section applies to all premises that have stormwater discharges associated with industrial activity as defined in this Ordinance, including construction activity.

7.2 Access to Premises.

A. Representatives of the Department of Public Works, authorized by the Director, shall be permitted to enter and inspect any premise subject to regulation under this Article as often as may be necessary to determine compliance with this Article. If a person has security measures in force that require proper identification and clearance before entry into its premise, the person shall make the necessary arrangements to allow access to representatives of the Department of Public Works.

B. A person shall allow duly authorized representatives of the Department of Public Works ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.

C. Duly authorized representatives of the Department of Public Works shall have the right to set up on any permitted premises such devices as are necessary in the opinion of the Director to conduct monitoring and/or sampling of the premises stormwater discharge.

D. The Director shall have the authority to require a person to install monitoring equipment as necessary. The sampling and monitoring equipment shall

be maintained at all times in a safe and proper operating condition by the owner or operator of the premise at their own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy. The owner or operator of the premise shall demonstrate calibration techniques and satisfactory operation of the devices to the Department of Public Works upon request.

E. Any temporary or permanent obstruction to safe and easy access to the premises to be inspected and/or sampled shall be promptly removed by the owner or operator of the premise at the written or oral request of the Director of Public Works, and shall not be replaced. The costs of clearing such access shall be borne by the owner or operator of the premise.

F. Unreasonable delays in allowing the Department of Public Works access to permitted premises are a violation of this Article. A person who is the operator of a premise with a NPDES permit to discharge stormwater associated with industrial activity commits an offense if the person denies the Department of Public Works reasonable access to the permitted premises for the purpose of conducting any activity authorized or required by this Article.

G. If the Department of Public Works has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this Article, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this Article or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the Director may seek issuance of a search warrant from any court of competent jurisdiction.

7.3 Requirement to Prevent, Control, and Reduce Stormwater Pollutants by the use of Best Management Practices.

A. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the MS4 through the use of structural and non-structural Best Management Practices (BMPs).

B. Any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the MS4. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section.

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7.4 Notification of Spills.

A. Notwithstanding other requirements of law, as soon as any person responsible for a premises or operation, or responsible for emergency response for a premises or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into the MS4, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the Director of Public works either in person, by phone, or via email no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Director of Public Works within three business days of the phone notice.

B. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge, steps taken to remediate said illicit discharge, and the actions taken to prevent its recurrence. Such records shall be retained on site by the owner or operator for at least three years.

SECTION 8. EROSION AND SEDIMENT CONTROL

8.1 Purpose and Intent

Under the authority set forth in 24 V.S.A. § 2291, specifically subsection (14), and to provide for the public health, safety, welfare and convenience, it is hereby declared that it shall be a public nuisance for anyone to discharge sediment into the Municipal Separate Storm Sewer System, (MS4), and/or surface waters, as a result of soil erosion caused by land disturbance activities, or to otherwise discharge sediment in violation of the requirements of this Ordinance. It is the purpose of this Ordinance to provide procedures for the regulation of sediment discharged to the MS4 and/or surface waters, and where required by public health, safety, or welfare, to provide for the abatement or removal of any public nuisance related thereto. This Ordinance establishes methods and procedures for controlling the introduction of sediment into the MS4 and/or surface waters in order to comply with the requirements of the National Pollutant Discharge Elimination System (NPDES) permit process, and General Permit No. 3-9014 as issued by the State of Vermont.

The objectives of this Section are:

A. To regulate the contribution of sediment to the MS4 and/or surface waters from soil erosion caused by land disturbance activities.

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B. To control the design, construction, use, and maintenance of land disturbance activities.

C. To establish legal authority to carry out all inspection and enforcement procedures necessary to ensure compliance to this Ordinance.

8.2 Applicability of Erosion and Sediment Control Provisions

This Article applies to any land disturbance activities within the City of St. Albans that result in clearing, grading, construction or land disturbance activity that is not subject to the provisions of the Vermont Construction General Permit 3-9020 (2006) for Stormwater Runoff from Construction Sites, as amended, unless otherwise exempted under Section 8.5 of this Article. All land disturbance activities undertaken by the City of St. Albans shall be subject to the applicable provisions of this Article.

8.3 Prohibitions

No person required to obtain a Zoning Permit, or any other form of City approval for land disturbance activities, shall cause, allow or permit the release of any sediment created by soil erosion resulting from these activities, to any other property, the MS4 and/or surface waters.

8.4 Permits

No person shall be granted a Zoning Permit or other approval by the City for any land disturbance activities regulated under this Ordinance without compliance with the following provisions:

A. All projects involving land disturbance within the City of St. Albans for which a Zoning Permit or other approval has been issued shall require the permittee to demarcate physically the limits of land disturbance on the site, using measures as described in the City of St. Albans Construction Stormwater Guidance Document, and shall require the permittee to take reasonable steps as outlined in the City of St. Albans Construction Stormwater Guidance Document to ensure that sediment is not transported via overland flow to surface waters or the MS4.

> All permittees (zoning and other) would be required to note the limits of disturbance on sites and take simple erosion control prevention measures.

B. Projects disturbing more than one acre of land, either individually or as part of a Common Plan of Development, shall require evidence of application for coverage and submittal of an Erosion and Sediment Control Plan to the Vermont Department of Environmental Conservation under the Vermont Construction

General Permit 3-9020 (2006) for Stormwater Runoff from Construction Sites, as amended, or an Individual Construction Stormwater Discharge Permit, whichever is applicable.

C. Projects disturbing less than one acre of land, whether individually or as part of a common plan of development, that are not subject to the requirements of the Vermont Construction General Permit 3-9020, but meeting any of the criteria enumerated in A through D below, shall require approval of an Erosion and Sediment Control Plan, as defined in this Ordinance, by the Zoning Administrator:

The requirement to provide a simple erosion and sediment control plan would apply to these activities. Gardens up to 10x50/20x25 would be exempt under (D).

i. Any project disturbing land area within 30 linear feet of the top of bank of Grice Brook, Rugg Brook or Stevens Brook as depicted on Map A.

ii. Any project disturbing more than 100 SF of land area located within a Stormwater Impaired Watershed, as defined in this Ordinance and as depicted on Map A.

iii. Projects disturbing more than 500 SF of land area located outside a Stormwater Impaired Watershed.

iv. Any project that, in the opinion of the Zoning Administrator or the Director of Public Works, has the potential to cause significant erosion, result in the transport of sediment to surface waters or the MS4, or endanger property or public safety if not properly mitigated and controlled.

D. A self-contained excavation of up to 500 SF in land area that is fully contained and bordered such that no runoff will be generated and all surface or ground water will be fully contained within the excavation shall be exempt from the provisions of this Section. Examples of such self-contained excavations shall include, but not be limited to, gardens and decorative landscaping.

8.5 Exemptions

The discharge of any sediment from land disturbance activities approved by the City to any other property, the MS4 and/or surface waters is prohibited except as described as follows:

A. Any emergency activity that is immediately necessary for the protection of life, property or natural resources.

B. Any nursery and/or agricultural activity operating as a permitted principal or accessory use on a parcel.

8.6 Review of Erosion and Sediment Control Plans

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A. The content of an Erosion and Sediment Control Plan, as applicable, shall be as set forth in the City of St. Albans Construction Stormwater Guidance Document, as most recently amended, which is incorporated by reference into this Ordinance.

The ESCP becomes a required component of an application to the DRB.

B. In the event an Erosion and Sediment Control Plan is associated with an application for another permit or decision to be issued by the City of St Albans, the Erosion and Sediment Control Plan shall be deemed to be a required component of a complete application for the associated permit.

C. Where review and approval of an Erosion and Sediment Control Plan is the only approval required from the City of St. Albans for a land disturbing activity, the procedure and time frames for review, approval or denial, and appeal shall be as set forth in 24 VSA 4449(a) for a Zoning Permit.

D. Where review and approval of an Erosion and Sediment Control Plan occurs in conjunction with an application to the Development Review Board, the Erosion and Sediment Control Plan shall be reviewed as a component of the associated application in accordance with the City of St. Albans Land Development Regulations, as amended.

E. Where an Erosion and Sediment Control Plan is subject to issuance by the Zoning Administrator, the Zoning Administrator will review each Erosion and Sediment Control Plan to determine its conformance with the provisions of this regulation, unless explicitly exempted within this Ordinance. Within 30 days after receiving an application for review, the Zoning Administrator shall in writing:

1. Approve the plan;
2. Approve the plan subject to such reasonable conditions as may be necessary to secure substantially the objectives of this regulation; or
3. Disapprove the plan, indicating in writing the reason(s) and procedure for submitting a revised plan.

F. All erosion control practices, sediment control practices, waterway and watercourse protection practices and construction site access practices shall be consistent with the City of St. Albans Construction Stormwater Guidance Document, and shall be adequate to prevent transportation of sediment from the site to the satisfaction of the Zoning Administrator or Development Review Board, as applicable.

G. In the event the Zoning Administrator or Development Review Board, as applicable, finds that a site's conditions or a proposed land disturbing activity poses a unique or substantial threat of causing erosion or sedimentation in surface waters or the MS4, or there are unique technical issues affecting the content and

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prospective effectiveness of an Erosion and Sediment Control Plan, the Zoning Administrator or Development Review Board may initiate Technical Review under the provisions of Section 5.2 of this Ordinance.

8.7 Access to Land Disturbing Activities

The Zoning Administrator or his/her designee shall be permitted to enter and inspect any land disturbing activities in the City of St. Albans permitted under this Ordinance as often as may be necessary to determine compliance with this Ordinance.

8.8 Inspection Requirements

For all projects for which an Erosion and Sediment Control Plan has been approved, the Zoning Administrator or his/her designee shall make inspections as hereinafter required and either shall approve that portion of the work completed or shall notify the permittee via mail, telephone or email of any instance wherein the work fails to comply with the Erosion and Sediment Control Plan as approved. To obtain inspections, the applicant or their agent shall request an inspection from the Zoning Administrator via email, mail or telephone at least three (3) business days before commencement of any of the following:

A. Start of construction, at which time the inspection shall include inspection of the limits of disturbance to ensure the limits are correctly and fully demarcated on the site;
B. Installation of all sediment and erosion control measures;
C. Completion of final grading;
D. Close of construction season, for those projects not completed by October 15; and
E. Completion of final landscaping.

These are the points at which inspection would be required.

8.9 Inspection Certifications

In lieu of the requirements outlined in Section 8.8 of this Ordinance, the Zoning Administrator may, upon written request of the applicant, allow or require that the applicant or their agent provide a written certification from a professionally licensed engineer, or a certified professional in erosion and sediment control (CPESC), certifying compliance with the Erosion and Sediment Control Plan as approved upon completion of the activities enumerated in Section 8.8 above. The applicant or their agent shall make regular inspections of all control measures in accordance with the inspection schedule outlined on the approved Erosion and

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Sediment Control Plan, and shall provide written certification to the Zoning Administrator or his/her designee upon completion of each inspection, noting any remedial action required to achieve compliance with the Erosion and Sediment Control Plan.

8.10 Surety Requirement

As a condition of approval and issuance of the permit, the Zoning Administrator, or where an Erosion and Sediment Control Plan is incorporated into a subdivision or site plan approval, the Development Review Board, may at his/her discretion require the applicant to deposit a surety bond or irrevocable letter of credit to guarantee a good faith execution of the approved Erosion and Sediment Control Plan, and any other related permit conditions. Surety generally shall be required only in those instances where a site's conditions or a proposed land disturbing activity pose a unique or substantial threat of causing erosion or sedimentation in surface waters or the MS4, or where there are unique technical issues affecting the content and prospective effectiveness of an Erosion and Sediment Control Plan.

This option enables the City to hold a surety for projects that pose a unique or significant risk to City infrastructure or waterways.

SECTION 9. POST-CONSTRUCTION STORMWATER MANAGEMENT

9.1 Purpose and Intent

Under the authority set forth in 24 V.S.A. § 2291, specifically subsection (14), and to provide for the public health, safety, welfare and convenience, it is hereby declared that it shall be a public nuisance for anyone to improperly manage stormwater runoff created by land development activities, or to otherwise manage stormwater runoff caused by land development activities in violation of the requirements of this Section.

It is the purpose of this Section to provide procedures for the regulation of stormwater runoff caused by land disturbance activities, and where required by public health, safety, or welfare, to provide for the abatement or removal of any public nuisance related thereto. This Section establishes minimum stormwater management requirements for post-construction sites in the City of St. Albans, in order to comply with the requirements of the National Pollutant Discharge Elimination System (NPDES) permit process, and General Permit No. 3-9014 as issued by the State of Vermont. The specific purposes of this Section are:

A. To minimize increases in stormwater runoff from land development activities in order to reduce flooding, siltation, increases in stream temperature, and stream bank erosion;

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B. To maintain the integrity of stream channels and minimize disruption to natural hydrologic processes from land development;

C. To minimize increases in non-point source pollution caused by stormwater runoff from land disturbance activities which would otherwise degrade local water quality;

D. To reduce stormwater runoff rates and volumes, soil erosion, and non-point source pollution through the effective use of landscaping, surfacing, and stormwater treatment practices, and to ensure that these management controls are properly maintained;

E. To establish the legal authority to carry out all review, inspection and enforcement procedures necessary to ensure compliance with this Section.

9.2 Applicability of Post-Construction Stormwater Management Requirements.

This Article applies to land disturbing activities that result in the creation, expansion or redevelopment of impervious surface, as such terms are defined in this Ordinance and as enumerated in Section 9.4 below, unless otherwise exempted under Section 9.5 below. All projects undertaken by the City of St. Albans shall be subject to the applicable provisions of this Article.

9.3 Prohibitions.

No person required to obtain a permit from the City for any land disturbing activity that results in the creation, expansion or redevelopment of impervious surface shall improperly manage stormwater runoff associated with these activities, and/or fail to conform to the requirements of this Article.

9.4 Permits.

No person shall be granted an approval by the City of St. Albans for any land development activities regulated under this Article without compliance with the following provisions:

A. Projects that result in more than one acre of total impervious surface shall require evidence of application to the Vermont Department of Environmental Conservation for coverage under General Permit 3-9015 for Stormwater Discharges or an Individual Stormwater Discharge Permit, as applicable.

B. Projects resulting in more than one acre of land disturbance, whether as an individual project or under a Common Plan of Development, but resulting in one acre or less of total impervious surface, shall require approval by the Zoning

Administrator or his/her designee of a Stormwater Management Plan equivalent to the requirements of General Permit 3-9015 for Stormwater Discharges as enumerated in the Vermont Stormwater Management Manual (Volumes I and II), as most recently revised.

C. Projects disturbing less than one acre of land and resulting in less than one acre of total impervious surface, and meeting any of the criteria enumerated in (i) through (iv) below, shall require approval by the Zoning Administrator or his/her designee of a Simplified Stormwater Management Plan, as defined in this Ordinance, meeting the requirements of the City of St. Albans Stormwater Management Guidance Document as most recently revised:

i. Any project resulting in the redevelopment or creation of more than 1,000 SF of impervious surface area
ii. Any project that, in the opinion of the Zoning Administrator or the Director of Public Works, has the potential to cause significant erosion or stormwater management impacts, or endanger property or public safety, if post-construction stormwater is not properly mitigated and controlled.
iii. A Zoning Permit issued exclusively for the construction or modification of single-family or two-family dwellings and accessory structures and appurtenances thereto, where no impervious surface or structure is proposed to be sited within 30 linear feet of the top of bank of Rugg Brook or Stevens Brook, shall not require approval of Simplified Stormwater Management Plan as defined in this Ordinance, unless a Plan is specifically required under the provisions of (ii) above.

These are the activities that would require a plan for managing post-construction stormwater runoff (in addition to construction-phase erosion control)

9.5 Exemptions

The following activities shall be exempt from the provisions of this Article:

A. Any emergency activity that is immediately necessary for the protection of life, property or natural resources.

B. Any nursery and/or agricultural operations as a permitted principal or accessory use.

9.6 Stormwater Management Plans; Content and Preparation

A. The content of a Stormwater Management Plan or Simplified Stormwater Management Plan shall be as set forth in the City of St. Albans Stormwater

Management Guidance Document, as most recently amended. All Plans shall include a Maintenance Plan as described in Section 9.8 of this Ordinance.

B. At a minimum all stormwater management practices in a Stormwater Management Plan shall meet the design requirements set forth in the Vermont Stormwater Management Manual, Volumes I and II, as most recently amended; for Simplified Stormwater Management Plans, all practices shall at a minimum meet the design requirements set forth in the City of St. Albans Stormwater Management Guidance Document, as most recently amended.

C. A Stormwater Management Plan shall be prepared and signed by a professional engineer licensed to practice in the State of Vermont who shall verify and demonstrate conformance to the applicable water quality treatment standards and stormwater management design criteria contained in this Article.

D. A Simplified Stormwater Management Plan shall be prepared and signed by a professional engineer licensed to practice in the State of Vermont who shall verify and demonstrate conformance to the applicable water quality treatment standards and stormwater management design criteria contained in this Article.

E. At the discretion and upon approval of the Zoning Administrator, a Simplified Stormwater Management Plan may be prepared and signed by a landscape architect, land planner or other individual experienced in and qualified to prepare site plans for land development. The applicant shall be responsible for ensuring that all components of the Simplified Stormwater Management Plan so prepared are fully consistent with the requirements of this Article and the applicable standards in the City of St. Albans Stormwater Management Guidance Document.

9.7 Stormwater Management Plans; Approval Process

A. In the event a Stormwater Management Plan or Simplified Stormwater Management Plan is associated with an application for another permit or decision to be issued by the City of St Albans, the Stormwater Management Plan or Simplified Stormwater Management Plan shall be deemed to be a required component of a complete application for the associated permit.

B. Where review and approval of a Simplified Stormwater Management Plan is the only approval required from the City of St. Albans for land development, the procedure and time frames for review, approval or denial, and appeal shall be as set forth in 24 VSA 4449(a) for a Zoning Permit.

C. Where review and approval of a Stormwater Management Plan or Simplified Stormwater Management Plan occurs in conjunction with an application to the Development Review Board, the Plan shall be reviewed as a component of the

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associated application in accordance with the City of St. Albans Land Development Regulations, as amended.

D. Where approval of a Stormwater Management Plan or Simplified Stormwater Management Plan is subject to issuance by the Zoning Administrator, the Zoning Administrator will review each Plan to determine its conformance with the provisions of this regulation, unless explicitly exempted within this Ordinance. Within 30 days after receiving an application for review, the Zoning Administrator shall in writing:

i. Approve the plan;
ii. Approve the plan subject to such reasonable conditions as may be necessary to secure substantially the objectives of this regulation; or
iii. Disapprove the plan, indicating in writing the reason(s) and procedure for submitting a revised plan.

E. In the event the Zoning Administrator or Development Review Board finds that a site's conditions or a proposed land disturbing activity poses a unique or substantial threat of causing erosion or sedimentation in surface waters or the MS4, or there are unique technical issues affecting the content and prospective effectiveness of an Erosion and Sediment Control Plan, the Zoning Administrator or Development Review Board may initiate Technical Review under the provisions of Section 5.2 of this Ordinance.

9.8 Maintenance of Stormwater Management Practices and Landscaping

A Maintenance Plan shall be prepared and approved in conjunction with all Stormwater Management Plans and Simplified Stormwater Management Plans. The Maintenance Plan shall include detailed maintenance and repair procedures to ensure the continued function of all stormwater management measures, including those landscaped or surfaced areas that are integral to the function of the Plan. The Maintenance Plan shall include:

A. Landscape Plan; The applicant must present a detailed plan for the management of vegetation at the site after construction is finished, including identification of all landscaped areas or practices that are to provide stormwater treatment and control, the responsible party for maintenance of vegetation at the site, and practices that will be employed to ensure the healthy condition and function of landscaped areas.

B. Maintenance Easements; The applicant must ensure access to all stormwater treatment practices at the site for the purpose of inspection and repair by securing all of the maintenance easements needed on a permanent basis. These easements

shall be recorded in the land records before commencement of the approved land use and shall remain in effect upon transfer of title to the property.

C. Maintenance Agreement; The applicant must execute a maintenance agreement binding on all subsequent owners of land served by a stormwater management measure included in the approved Stormwater Management Plan or Simplified Stormwater Management Plan. The maintenance agreement shall be recorded in the land records before commencement of the approved land use and shall specify the required maintenance measures for all stormwater treatment practices, including landscaped or surfaced areas providing stormwater treatment and control, along with a maintenance schedule specifying when and how often maintenance shall be performed on each stormwater treatment practice.

D. Maintenance Records; The applicant shall be required to maintain records that verify that all required maintenance and inspections were performed in conformance with the approved Stormwater Management Plan. The records shall be maintained for a period of three (3) years, and a copy of all records shall be submitted annually to the Zoning Administrator.

9.9 Access to Stormwater Treatment Practices.

The Zoning Administrator shall be permitted to enter and inspect any land disturbance activities where stormwater treatment practices are being, or have been constructed subject to regulation under this Ordinance as often as may be necessary to determine compliance with this Ordinance.

9.10 Inspection Requirements.

The applicant shall notify the Zoning Administrator via email, mail or telephone no less than three (3) business days in advance of the start of construction. The Zoning Administrator or his/her designees shall inspect stormwater treatment practices a minimum of once during the construction phase to verify that practices are being constructed per the approved plans, and shall inspect the stormwater treatment practices upon notification of completion. If any violations are found, the property owner shall be notified in writing of the nature of the violation and the required corrective actions. No additional work shall proceed until any violations are corrected and all work previously completed has received approval from the Zoning Administrator.

9.11 Inspection Certifications

In lieu of the requirements outlined in Section X-36 of this Article, the Zoning Administrator may allow or require that the applicant or their agent provide a written certification from a professionally licensed engineer certifying compliance

with the Stormwater Management Plan or Simplified Stormwater Management Plan, as approved.

9.12 Surety Requirements

As a condition of approval and issuance of the permit, the Zoning Administrator, or where a Stormwater Management Plan or Simplified Stormwater Management Plan is incorporated into a subdivision or site plan approval the Development Review Board, may at his/her discretion require the applicant to deposit a surety bond or irrevocable letter of credit to guarantee a good faith execution of the approved Stormwater Management Plan or Simplified Stormwater Management Plan, and any other related permit conditions. Surety generally shall be required only in those instances where a site's conditions or a proposed land development activity pose a unique or substantial threat of causing stormwater runoff-related problems in surface waters or the MS4, or where there are unique technical issues affecting the content and prospective effectiveness of the Stormwater Management Plan or Simplified Stormwater Management Plan.

9.13 As-Built Drawings

~~For any project requiring issuance of a Certificate of Occupancy, w~~Within thirty days ~~of issuance of a Certificate of Occupancy~~of the installation of a required post-construction stormwater management/treatment practice, the applicant shall submit as-built drawings of ~~all stormwater treatment~~ practice(s) to the Zoning Administrator. For single-family homes and duplex properties, a drawing or sketch is required to the satisfaction of the Zoning Administrator. For all other developments, an engineered drawing to scale will be required.

Section 10. Additional Section if Needed

10.1 Purpose

City of St. Albans.

10.2 Applicability

A. The provisions of this Section shall

B. The issuance of any permit, approval or authority

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Section 11. MANAGEMENT OF CONSTRUCTION WASTE AND DEBRIS

Any person conducting activity involving the outdoor generation or storage of construction waste or debris shall be required by this Ordinance to observe the following:

A. Piles of uncontained wastes, and wastes stored in open containers, shall be covered during windy conditions that would result in the mobilization of debris into the MS4 or waterways, and shall be covered prior to significant forecasted rain (0.25 inches in a 24-hour period).

B. No dumpsters shall be hosed out onto the construction site.

SECTION 12. ENFORCEMENT

The City of St Albans, by and through its authorized agents, shall have the authority to enforce the provisions of this Ordinance, and any orders, violation notices, or enforcement orders issued hereunder, and may pursue all civil and criminal remedies in connection with any violation hereunder.

12.1 Remedies not Exclusive.

The remedies set forth herein are not exclusive of any other remedies available, including criminal prosecution, under any applicable federal, state or local law. Election of one remedy shall not preclude pursuing other remedies and nothing herein shall prohibit the City of St Albans from seeking multiple remedies.

12.2 Judicial Bureau Municipal Civil Complaint Ticket.

Pursuant to 24 V.S.A., Chapters 59 and 61 and 4 V.S.A., Chapter 29, a Designated Enforcement Officer may commence prosecution in the Judicial Bureau for any violation of this Ordinance by serving two copies of a municipal civil complaint ticket either in person or by first class mail on the alleged offender, and thereafter promptly filing the original with the Judicial Bureau. The issuing officer shall follow the procedure set forth by the Judicial Bureau for municipal complaint tickets. The first offense ticketed for a violation shall be punishable by a fine of one hundred dollars ($100.00), the waiver fee shall be fifty dollars ($50.00); a second offense ticketed for the same violation shall be punishable by a fine of two hundred dollars ($200.00), the waiver fee shall be one hundred dollars ($100.00); a third offense ticketed for the same violation shall be punishable by a fine of five hundred dollars ($500.00), the waiver fee shall be two hundred and fifty dollars ($250.00). Upon the fourth offense, the City of St. Albans may request that the case be transferred to the Superior Court, or any other court of competent jurisdiction.

12.3 Other Enforcement Remedies Generally; Fines, Injunctive Relief.

A. Any person violating any of the provisions of this ordinance shall be subject to fines as outlined in Section 18-9 (B). In addition to any other penalty authorized by this section, any person, partnership, or corporation convicted of violating any of the provisions of this Ordinance shall be required to bear the expense of such restoration.

This is important to review with the City Attorney for consistency with local procedures, fine amounts & preferences

B. An action, injunction, or other enforcement proceeding may be instituted by the City of St. Albans to prevent, restrain, correct, or abate any violation or activity causing a violation. The relief sought may include the right to enter onto private property to abate or correct the violation, to restrain any activity that would create further violations, or to compel a person or persons to perform abatement or remediation of the violation; and to seek damages for all costs, including reasonable attorney's fees, incurred by the City of St. Albans in pursuing and obtaining such relief. In addition to any other remedies authorized in law or equity, the City of St. Albans may seek an order specifically requiring:

i. The elimination of illicit connections and/or non-stormwater discharges to the MS4;
ii. The discontinuance of practices, activities, or operations that lead to violations of this Ordinance;
iii. The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
iv. The implementation of source control or treatment through the use of best management practices;
v. The performance of monitoring, analysis, and reporting.

C. In the event that any person holding a Zoning Permit approved by the Zoning Administrator, or any other City-issued approval for land development or land disturbance activities, violates the terms of this Ordinance or alters a site in such a manner as to adversely affect the public health, safety or welfare, the Zoning Administrator or his/her designee may issue a Stop Work Order and/or suspend or revoke the permit.

SECTION 13. RELATIONSHIP TO OTHER CITY ORDINANCES

If the provisions of these regulations conflict with the provisions of any other valid and enforceable Ordinance(s), the stricter provisions shall prevail.

SECTION 14. ULTIMATE RESPONSIBILITY

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The standards set forth herein and promulgated pursuant to this Ordinance are minimum standards; therefore this Ordinance does not intend nor imply that compliance by any Person will ensure that there will be no contamination, pollution, nor unauthorized discharge or discharge of pollutants.

SECTION 15. SEVERABILITY

The provisions of this Ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, it shall not affect the validity or application of other provisions of this Ordinance.

SECTION 16. EFFECTIVE DATE

This Ordinance shall become effective sixty (60) days after its adoption by the City of St. Albans City Council, or at such time following the expiration of sixty (60) days from the date of its adoption as is determined by the City Council per 24 VSA 1973. If a petition is filed under 24 VSA 1973, that statute shall govern the taking effect of this Ordinance.

CITY OF ST. ALBANS CITY COUNCIL

_____	_____
NAME, Chair	NAME, Vice-Chair
_____	_____
NAME	NAME
_____	_____
NAME	DATE

ATTEST BY: _____ _____
NAME, City Clerk Date

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Stormwater Management and Erosion Control

These technical standards are adopted and amended from time to time by the City of St Albans and are incorporated by reference into the Land Development Regulations and Stormwater Management Ordinance. This document sets forth the provisions and requirements for a "Simplified Erosion and Sediment Control Plan" (ESCP) and a "Simplified Stormwater Management Plan" as described in the Stormwater Ordinance.

A. Purpose

The purpose of these standards is:

1. To preserve natural hydrologic function by reducing the volume of stormwater runoff, increasing groundwater recharge, and enhancing pollutant treatment for development projects through a combination of site design and stormwater treatment practices;
2. To ensure that these management controls are properly maintained and consistent with public safety.
3. To protect water quality of streams, rivers, lakes, ponds and wetlands.
4. To reduce flooding and erosion.
5. To prevent damage to private and municipal infrastructure from the adverse impacts of inadequate stormwater controls.

B. Control of Stormwater Runoff

For all development activities, consideration shall be given in site design and landscape treatments to methods that reduce stormwater runoff, including but not limited to minimization of impervious surfaces, preservation of native vegetation, diffusion and infiltration of runoff into landscaped and permeable areas, integration of site landscaping and trees with stormwater management and infiltration areas, erosion and sediment control, and the use of structural best management practices.

C. Stormwater Standards

Any stormwater management plan submitted to the City pursuant to the Stormwater Ordinance or Land Development Regulations shall comply with the following design standards:

1. Peak Discharge Control

The post-development peak discharge rate shall not be greater than the pre-development peak discharge rate for storm events up to and including the 25-year, 24-hour storm for runoff discharging from the site. Additional control of treated stormwater (e.g., for 50-year or 100-year, 24-hour storm events) shall be provided if site specific considerations warrant the detention of stormwater from larger storm events in the opinion of the Development Review Board or its technical review consultant. These standards may be waived if the applicant can demonstrate all of the following:

a. The existing or proposed stormwater management measures, including but not limited to open channels, ponds, closed pipe systems, and culverts below the

grade of the development, will safely convey the increased runoff from the proposed development. "Safely convey" shall mean compliance with applicable hydraulic sizing standards for conveyances stated in the Vermont Agency of Transportation Hydraulics Manual (2015) as most recently amended.

b. The additional runoff will not overload down gradient facilities to cause erosion and/or undue drainage onto other property.
c. There will not be need to cause an increase in the expenditure of public funds to address any additional run-off.

2. Water Quality/Groundwater Recharge

For proposed impervious areas on the site, including rooftops, driveways, access roads, and other paved or unpaved impermeable surfaces, the following criteria must be met:

a. *Infiltration or treatment of the Water Quality Volume (WQv) (first 1 inch of rainfall).* The WQv must be met by infiltration, control, diffusion of runoff, filtration, or by a combination of these techniques. Infiltration of runoff must be prioritized to the maximum extent practicable given site constraints related to designated brownfields, poorly draining soils, high groundwater, and/or potential basement flooding. The WQv Standard may be met by employing the following non-structural, and/or structural practices or the equivalent:
   i. Structural Water Quality Treatment practices as listed in Water Quality Stormwater Treatment Practices of the VSMM.
   ii. Non-Structural practices approved to meet WQv as listed in Voluntary Stormwater Management Credits of the VSMM.
   iii. Both Structural and/or Non-Structural practices as included in the "Vermont Low Impact Development Guide for Residential and Small Sites", as most recently amended.
   iv. Innovative Structural or Non-Structural Water Quality Treatment practices that can be demonstrated to manage the WQv to the minimum level of treatment as required under the VSMM or its replacement.

b. *Calculation and Design of CPv.* The calculation and design shall be as defined by the Vermont Agency of Natural Resources "Vermont Stormwater Management Manual (VSMM)," as most recently amended.

3. Channel Protection

For projects within the stormwater-impaired watersheds of Stevens Brook and Rugg Brook, Channel Protection will apply. For proposed impervious areas on the site, including rooftops, driveways, access roads, and other paved or unpaved impermeable surfaces, the following criteria must be met:

a. *Control of the Channel Protection Volume.* The CPv shall be met by infiltration, control, diffusion of runoff, or by a combination of these techniques. Infiltration of runoff must be prioritized. The CPv standard may be met by employing the following non-structural, and/or structural practices or the equivalent:
   i. *Infiltrate the 1-year, 24-hour storm event to the maximum extent practicable*. Infiltration of runoff must be prioritized to the maximum extent practicable given site constraints related to designated brownfields,

poorly draining soils, high groundwater, and/or potential basement flooding.

ii. *For excess runoff that cannot be infiltrated onsite*, employ one, or a combination of the following:

1) Diffuse and limit runoff to reduce the post development 1-year, 24-hour storm volume to a minimum of the pre development volume.
2) Control and release the 1-year, 24-hour storm over 12-hours within Rugg Brook or over 24-hours within Stevens Brook.
3) Diffuse and limit runoff to reduce the post development 1-year 24-hour storm peak discharge to a rate of 2 cfs or less.

b. *Definition of CPv.* For design and calculation purposes, the CPv shall be the 1-year, 24-hour storm, which is 2.1 inches of rainfall or as otherwise determined in the VSMM as most recently amended.

4. Site Constraints Waiver

a. *Review process.* On sites where the presence of one or more constraints makes meeting stormwater design standards 1 through 3 above is impractical or infeasible, a waiver of these standards will be considered. Review under these criteria is intended to ensure that partial or "best fit" compliance, rather than full non-compliance, is achieved even where one or more of the actions and conditions in (a) through (j) above is found to apply. In all cases, options for partial compliance and "best fit" shall be evaluated in the stormwater management plan.

b. *Waiver standards*. In order to qualify for a waiver of the standards the applicant must demonstrate that compliance with the standards would require one or more of the following actions or conditions:

i. Installation of sub-surface storage or treatment structures;
ii. Purchase or acquisition of additional land;
iii. Demolition of buildings or removal of existing impervious surface to point of interference with either the existing land use or material conditions of any existing land use permits;
iv. Off-site treatment of stormwater;
v. Either site re-grading or site re-contouring to point of permanent interference with either the existing land use or material conditions of any existing land use permits;
vi. Pumping or other mechanical re-routing of stormwater runoff;
vii. Infiltration where basement flooding or subsurface pollutant plume transport would occur;
viii. Construction of any infrastructure within the fluvial erosion hazard area of any receiving water or within any wetland or its 50 feet buffer zone;
ix. The destruction of contiguous forested areas exceeding 1,000 square feet in area. The removal of trees in non-contiguous forested areas shall be considered when replacement of lost trees is feasible.
x. The stormwater practice would occupy 20% or more of the surface area of the lot.

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D. Erosion and Sediment Control

1. Projects Requiring State Permit Coverage

Projects disturbing one (1) or more acres of land, either individually or as part of a common plan of development, are subject to permitting under the Vermont Construction General Permit through the Vermont Department of Environmental Conservation. A copy of the approved state permit shall be provided to the City.

2. Simplified Erosion Control Plan Standards.

For projects disturbing less than one (1) acre of land, Best Management Practices (BMP) as described in the "Vermont Low Risk Site Handbook for Erosion Prevention and Sediment Control," as most recently amended, should be utilized. Both structural and non-structural BMPs shall be implemented to prevent erosion, retain sediment on the construction site, and prevent discharge of sediment down slope of the project. Project construction shall be phased to limit the amount of concurrent earth disturbance, and soils shall be stabilized as soon as is practical. Soils onsite shall not be compacted with heavy equipment. Soils that have been compacted shall be loosened by scarification or tilling to a depth of 12 inches prior to final vegetation establishment.

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