

ARPA FAQs: MANAGING STORMWATER RUNOFF FROM 3-ACRE SITES

Vermont Agency of Natural Resources

Is there an online spreadsheet or database for interested parties, such as landowners and municipalities, to view whether this applies to them?

The Vermont Department of Environmental Conservation Stormwater Program determines if projects are regulated as a “3-acre site” and maintains [this list](#) of known sites.

What communications have been sent out to applicable entities and when?

All projects subject to “3-acre” permit requirements have received direct notification from the Stormwater Program. Almost all landowners have received two letters as of 11/30/21. Additional direct correspondence will be provided as funding opportunities are finalized.

If we're on the list, will we be notified when criteria have been set and the application process is ready?

Yes, all 3-acre sites will be notified as funding becomes available.

What are the roles of municipalities in managing 3-Acre stormwater runoff?

Municipalities that own all or a portion of a project, such as a town highway, that is designated as a 3-acre site are required to obtain permit coverage under Stormwater General Permit 3-9050. Municipalities may serve as a co-permittees with projects or may serve as the sole permittee on projects that involve municipal and private lands, if they choose. Municipalities will be key partners for many projects seeking funding.

Who is eligible?

Projects that are subject to the 3-acre requirements of Stormwater General Permit 3-9050, or “3-acre Sites” and are in the Lake Champlain or Lake Memphremagog watersheds. Please see the [list](#) of “3-Acre Sites.”

Understanding that the three-acre rule applies to the entire state, is there a different timeline for other parts of the state? Different eligibility for DEC ARPA funds?

Permitting deadlines range from now through 2033. Projects in the watersheds of Lake Champlain, Lake Memphremagog and the stormwater-impaired waters are no later than 2023. All other watersheds have a deadline of 2033. We are prioritizing ARPA funding for projects with the 2023 deadline, and we have not yet determined whether projects with the 2033 deadline will be eligible for this funding.

Given the Federal funding tied to this funding source, don't projects have to go through the full NEPA review?

ARPA-funded projects do not have to go through a NEPA review.

As a 55+ Co-op mobile home park, we are not eligible for nonprofit status. How does this affect funding eligibility?

All manufactured housing communities, regardless of ownership status, are eligible for ARPA 3-acre stormwater funding if they are considered a 3-acre site.

Do local ARPA funds have to be included in the project? If so, at what level and when do they need to enter the project – seed or close?

There is no requirement to use local ARPA funds on these projects.

If we're already working with a firm, would they need to respond to the RFP and be selected for us to keep working with them?

If your firm applies under the engineering services contract and wins the contract, you may work with them. If your firm does not win the contract, we are developing a rebate program to pay for engineering services.

How does the contractor get paid via the rebate process?

Beneficiary payments will be made to assist 3-acre landowners in obtaining the 3-acre permit. With landowner permission, payments may be made directly to the landowner's contracting engineer for related permit services. To receive payment, permittees must provide proof of submission of an administratively complete Full Notice of Intent (NOI) and engineering invoice(s) documenting eligible expenses relating to 3-acre permit obtainment.

In your description of Phase 2 Engineering contracts, were you inferring that construction contractors would work directly underneath the engineer as a subconsultant?

TBD. We will solicit feedback in response to this question.

Assuming the RFP will be cost-based, will the RFP process be based on a lump sum cost per site or will individual levels of effort be required? Stormwater design is very site-specific and not cookie-cutter.

TBD. We will solicit feedback in response to this question.

Where would we find out if our park has a stormwater permit?

Contact DEC's [Stormwater Program](#).

Can you clarify the deadline for the 18 months for the initial NOI?

Please contact the Stormwater program to determine the permitting obligations for your 3-acre property. Generally speaking, a project receives an 18-month authorization after submitting an Initial NOI. The deadline for submitting an Initial NOI is established in Stormwater General Permit 3-9050.

If our deadline comes up prior to that, will the landowner need to submit the NOI or hire an engineer at the landowner's expense?

The Agency is making every effort to provide financial assistance. However, the availability of funding does not affect the obligation of landowners to comply with General Permit 3-9050 by submitting the NOI by the deadline.

Can you explain the permit fees? And - if it's determined no feasible solution is possible are the fees waived?

Please contact the Stormwater Program for an explanation of applicable stormwater application fees and impact fees. There is no provision to waive fees.

Can you please speak to the three-acres rule and the staged rollout across Vermont? You reference the 2023 permit requirement, but is that deadline for the entire state or just the basins identified in the 3 acres parcel list?

Permit application deadlines range from now through 2033. Please contact the Stormwater Program to determine the application date for your project.

Does this apply to impervious surfaces on private dirt roads?

The Stormwater Program makes all permitting/regulatory determinations. A private gravel road is considered impervious surface and may be a 3-Acre Site.