

Vermont Agency of Natural Resources
Department of Environmental Conservation
Water Quality Division
Stormwater Management Program

**Site Balancing Procedure for the Discharge of Stormwater Runoff from
the Expansion or Redevelopment of Impervious Surfaces**

Background

Discharges of stormwater runoff from expanded and redeveloped impervious surfaces are regulated pursuant to 10 V.S.A. Sections 1264 and 1264a, the Stormwater Management Rule and the Stormwater Management Rule for Stormwater-Impaired Waters. When the proposed expansion or redevelopment of impervious surfaces reaches the permit thresholds set out in rule, discharges of regulated stormwater runoff from these impervious surfaces must obtain permit coverage consistent with the treatment and control standards in the Vermont Stormwater Management Manual (Manual). Section 18-302 of the Stormwater Management Rule states that:

(a) For discharges of regulated stormwater runoff to waters that are not stormwater impaired waters, the Secretary shall require that:

(1) Discharges of regulated stormwater runoff from new development and expansions obtain an individual permit or coverage under a general permit consistent with the treatment standards for new development in the Vermont Stormwater Management Manual.

The Manual provides that discharges of stormwater runoff from expansions must meet five treatment criteria, including water quality, groundwater recharge, channel protection, overbank flood control and extreme flood control. The Manual provides waivers from the recharge, channel protection and flood control requirements in certain circumstances. Credits may be utilized to reduce or eliminate water quality and recharge volumes for non-structural practices where applicable in accordance with the Manual.

Section 18-302 also sets forth the treatment and control standards for discharges of stormwater runoff from redevelopment as follows:

(a) For discharges of regulated stormwater runoff to waters that are not stormwater impaired waters, the Secretary shall require that:

(2) Discharges of regulated stormwater runoff from redeveloped impervious surfaces obtain an individual permit or coverage under a general permit consistent with the following:

(A) The existing impervious surface shall be reduced by a minimum of 20%; or

(B) a stormwater treatment practice shall be designed to capture and treat 20% of the water quality volume treatment standard specified in the

Vermont Stormwater Management Manual from the existing impervious surface; or

(C) a combination of (A) and (B) that when combined equal a minimum 20% reduction/treatment.

Redevelopment is not subject to the requirements for channel protection, groundwater recharge and flood control. Credits may be utilized to reduce or eliminate water quality volume for non-structural practices where applicable in accordance with the Manual.

Due to the diverse nature of projects and the wide variety of existing physical site constraints that may be present, the Stormwater Management Program acknowledges that control and/or treatment of stormwater runoff from the complete extent of proposed expanded or redeveloped impervious surfaces is not always practicable. Therefore, the concept of “site balancing” may be utilized in treating runoff from limited portions of expanded and redeveloped impervious surfaces when it is demonstrated that control and/or treatment of this runoff is impracticable due to site constraints.

Site balancing means that where control and/or treatment of certain limited areas of the expanded or redeveloped impervious surfaces are deemed impracticable, the impact from these areas of untreated impervious surfaces will be compensated on an equivalent basis by controlling and/or treating impervious surfaces within the project limits that would not otherwise be subject to treatment and/or control requirements. This can be accomplished by providing additional control and/or treatment beyond what is required for redeveloped impervious surfaces or by controlling and/or treating impervious surfaces that are not otherwise required to provide stormwater treatment. The permittee must own or otherwise have control over the impervious surfaces that will be used as compensation and the requirements for treatment and/or control on these impervious surfaces shall be equal to or greater than the treatment and/or control requirements on the expanded or redeveloped impervious surfaces for which treatment is impracticable. If the permittee does not own the impervious surfaces that will be used as compensation then the permittee shall obtain access rights to the permitted property to allow the Secretary and his/her authorized representatives to enter upon the permitted property and to have access to and copy any records required to be kept pursuant to the permit. The control and/or treatment requirements for these associated surfaces shall be included in the stormwater permit for the project.

Prerequisite for Site Balancing

Prior to applying site balancing, the applicant should discuss the application of site balancing with the Stormwater Management Program, in the specific context of the project in question. The applicant’s designer shall then demonstrate that treatment and/or control of the impervious areas in question is impracticable due to physical, topographical, or environmental constraints. Examples of impracticability include, but are not limited to, instances where control and/or treatment for the expanded or redeveloped impervious surfaces would require the permittee to acquire new land, pump the stormwater in question, utilize underground storage or treatment, remove existing impervious surface or other infrastructure, construct stormwater treatment and/or control systems in wetlands or other surface waters or riparian buffer zones or result in other

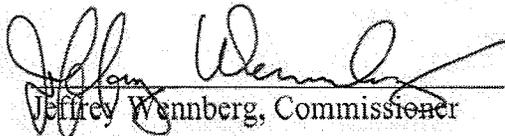
negative impacts on waters. The designer shall clearly specify in the application that site balancing is being proposed, along with providing the necessary explanation and justification for its use.

Site Balancing Conditions

Once the Stormwater Management Program has determined that control and/or treatment of this runoff is impracticable due to site constraints, site balancing may be allowed subject to the following conditions:

- Any area to be used as compensation shall be within the project limits as shown on the plans, and shall discharge to the same receiving water as the area to be balanced. For the purposes of this procedure, the 'same receiving water' shall be determined by the Secretary on a case by case basis.
- The area to be balanced, and the area used as compensation, shall be permitted under the same stormwater discharge permit.
- Site balancing will be allowed if it can be accomplished on a discharge by discharge basis. This can be accomplished by providing additional control and/or treatment beyond what is required for redeveloped impervious surfaces or by controlling and/or treating impervious surfaces that are not otherwise required to provide stormwater treatment within the immediate drainage area for a given discharge point.
- If site balancing beyond a discharge by discharge basis is necessary, the applicant shall meet with the Stormwater Management Program to describe the site-specific details of the site balancing that is to be proposed. This will enable the Program to evaluate and determine the nature and scope of any additional studies that may be necessary for evaluation of potential impacts on receiving water quality and/or channel protection as a result of the proposed site balancing. The applicant shall conduct these additional studies and provide them to the Secretary. Site balancing will be allowed on a watershed basis within the same receiving water if the Secretary determines that any impacts to water quality and/or channel protection as a result of the proposed site balancing are *de minimus*.
- Site balancing is not available as an option for portions of projects that discharge to stormwater-impaired waters for which a TMDL has not been approved.

Signed this 15th day of May, 2006.


Jeffrey Wennberg, Commissioner