

VT DEC Municipal Roads Program

Frequently Asked Questions

- 1. Will the DEC Municipal Roads Stormwater General Permit (MRGP) apply to the entire state or to the Lake Champlain basin?** The DEC Municipal Roads General Permit will cover the entire state and result in improvements in water quality and aquatic habitat statewide. Addressing sediment and nutrient sources from municipal roads will also reduce phosphorus loads to Lake Champlain and other waters in the state, such as Lake Memphremagog. The Implementation schedule will be determined during the permit development process.
- 2. Will the DEC Municipal Roads Stormwater GP cover paved and gravel roads?** Yes, the Municipal Roads GP will cover all municipal road systems, paved and gravel, but the MRGP Standards will only be applicable to hydrologically-connected roads. Municipalities must conduct on-the-ground inventories of hydrologically-connected road segments. As a starting point, a GIS-based hydrologically-connected road layer can be accessed by using the following steps:
 - <http://anr.vermont.gov/maps/nr-atlas>
 - Open up the Quick Tools and enter your town name
 - Click on the **Layers** icon and open the Municipal Roads Layer Theme
- 3. Is there technical assistance available for municipalities in identifying high priority road erosion segments and determining appropriate solutions?** Yes, technical assistance will be available for towns from a number of different organizations including DEC, VTrans, regional planning commissions, and other organizations. DEC and VTrans have developed enhanced trainings for road crew and foremen and others to inventory and prioritize road erosion sites and have developed a new series of trainings called *Road Roundtable Forums*, this is in addition to the existing DEC-VTrans *Rivers-Roads Trainings* for VTrans and municipal road crews. Municipalities will be made aware of available trainings.
- 4. Will the new Municipal Roads Stormwater Standards be consistent with current VTrans Road and Bridge Standards? How will they be different?** The BMPs that are developed as part of the Municipal Roads Stormwater GP will be consistent with the *Road and Bridge Standards*, although the geographic applicability of practices may differ. For example, the MRGP practice implementation will only apply to hydrologically-connected road segments while the VTrans Road and Bridge Standards usually apply town-wide. The existing VTrans *Road and Bridge Standards* will remain in place until the MRGP is fully implemented. A GIS map layer of hydrologically-connected municipal road segments is available at:

<http://anr.vermont.gov/maps/nr-atlas>. The inventories that municipalities conduct pursuant to the MRGP will ground truth and supplement this GIS layer.

5. **Will culvert replacements be required in the new DEC Municipal Roads Stormwater GP?** Replacement or stabilization retrofits will apply to eroding road drainage culverts, intermittent stream culverts, and driveway culverts located within municipal right-of-ways as part of the new GP. In-stream culvert and bridge replacements of perennial streams will not be required in this permit. Culvert headwall erosion and/or culvert outlet scour, for both drainage culverts, intermittent stream culverts, and driveway culverts, are included in the new GP if they are identified as significant sources of erosion.
6. **How long will towns have to implement their roads stormwater management plan?** Municipalities will be required to develop a Road Stormwater Management Plan (Road SWMP). The Road SMPs will include two components; a comprehensive Road Erosion Inventory (REI) of hydrologically-connected road segments and associated Implementation Table. The priority of the Implementation Table shall be to bring non-complying road segments up to MRGP Standards as soon as possible, but no later than 12/31/2036. Some towns will be required to implement measures on a faster time schedule.
7. **Will there be funding to assist municipalities in implementing road restoration practices?** Yes, additional funding will be available from VTrans and DEC to implement restoration practices on high priority road erosion segments through programs such as the *Better Roads grant* from VTrans or *Ecosystem Restoration and Municipal Grant in Aid* grants program from DEC. Municipalities will likely have to contribute a portion of the total cost or in-kind measures. Funding decisions will prioritize hydrologically connected road segments and projects that will be cost-effective by addressing scour, sedimentation, or other impacts from or to adjacent segments.
8. **Will the DEC Municipal Roads Stormwater GP be required for municipalities that are already authorized under the Municipal Separate Storm Sewer System (MS4) Permit?** No, MS4 communities will not have to apply for the Municipal Roads GP. The MS4 permit will be amended to incorporate the road requirements, with the goal of simplifying implementation and reporting requirements for MS4s.
9. **Will the DEC Municipal Roads GP apply to all classes of municipal roads including class 4 roads?** Yes, the Municipal Roads Stormwater GP will apply to all classes of municipal roads. Management options for class 4 roads will be included in the GP but best management practice implementation will be more limited in scope than more regularly traveled roads. *More on the MRGP and class 4 roads below.*

Class 4 Roads

MRGP Requirements for Class 4 Roads

The current draft MRGP standard for class 4 roads will require stabilization of gully erosion on hydrologically-connected road segments. Gully erosion is the severest form of erosion and generally consists of areas of concentrated erosion greater than one-foot in depth. Although the extent of both class 4 roads and gully erosion varies by locale, the Department anticipates that, on average, most municipalities will have less than two miles of class 4 roads that will require “spot fixes” of gully erosion.

It is important to note that the MRGP standard for class 4 roads does not require road grading and crowning, drainage ditch installation, or removal of grader berm practices unless those practices are needed as part of addressing gully erosion. By comparison, the MRGP class 3 standards require the installation of these practices proactively.

Laws Affecting the Management of Class 4 Roads

The Department has received questions from municipalities regarding whether there is any conflict between the proposed MRGP requirements for class 4 roads and the discretion that municipalities have under Title 19 of the Vermont Statutes regarding maintenance of these roads. The Department has reviewed this issue in consultation with the Vermont Agency of Transportation and offers the following guidance.

The statute addressing town highways, Title 19, deals with the navigability of those highways. Under this statute towns have discretion to decide whether and to what extent they maintain class 4 roads, effectively allowing a town to decide not to keep a class 4 road in sufficient repair so as to be negotiable by a car. The stormwater statute, Section 1264 of Title 10, on the other hand does not deal with the negotiability of roads; it deals with the management of stormwater runoff. The MRGP imposes new regulatory standards to restore and protect water quality. As such, the stormwater statute does not require municipalities to make class 4 roads negotiable by vehicles year-round. Instead it imposes technical standards intended to reduce stormwater runoff from municipal roads.

To interpret the maintenance standards applied to various classes of highways under Title 19 as limiting the ability of a government agency to impose standards for the purpose of protecting water quality would significantly undermine the intent of the legislature as expressed in Section 1264 of Title 10. It is the opinion of the Department of Environmental Conservation and the Vermont Agency of Transportation that including requirements for class 4 roads under the forthcoming MRGP does not conflict with the authorities granted to municipalities under Title 19.