

**STATE OF VERMONT NOTICE OF BENEFICIARY PAYMENT  
STATE OF VERMONT SFR BENEFICIARY PAYMENT**

- 1 Award #:** 3AP-HQ6-RKE5-GKQVV  
**2 Program Title:** 3-Acre Stormwater Permit Obtainment Assistance Program  
**3 Maximum Award Amount:** \$49,999  
**4 Award Date:** 09/25/2024  
**5 Beneficiary Name:** Town of Richmond  
**6 Project Name:** Southview Subdivision  
**7 Beneficiary Entity or Individual?** Entity  
**8 Beneficiary Address:** PO Box 285  
**9 City:** Richmond  
**10 State:** VT  
**11 Zip Code:** 05477  
**12 State Awarding Agency:** State of Vermont Agency of Natural Resources, Department of Environmental Conservation  
**13 Business Unit:** 06140  
**14 UEI # (if Beneficiary is an Entity):** N/A

**THIS PAYMENT CONTAINS FEDERAL FUNDS AS DETAILED BELOW**

- 15 CFDA#:** 21.027  
**16 Federal Award Project Description:** State Fiscal Recovery Fund

## 3-Acre Stormwater Permit Obtainment Assistance Program

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### ***Award Overview***

The Permit Obtainment Assistance (POA) Program is a beneficiary program seeking to provide financial assistance to eligible 3-acre sites pursuing permit coverage under General Permit 3-9050. Please note that some 3-acre sites may require coverage under an individual stormwater discharge permit (INDS). An INDS may be required when conditions must be added to the permit language that are beyond the scope of the language in General Permit 3-9050. General Permit 3-9050 and INDS coverage for 3-acre sites herein are referred to as the “three-acre permit.” You (Beneficiary) have been approved to receive up to \$49,999 under the 3-Acre POA Program to obtain permit authorization for a three-acre permit. To learn more about the funding source for this award and the three-acre permit itself please see the **American Rescue Plan Act (ARPA)** and **Three-Acre Permit Background** sections of this award letter.

### ***Eligible Costs and Cost Categories***

Up to \$30,000 of this award may be used to cover engineering expenses and up to \$19,999 may be used to cover three-acre permit review fees incurred during the submission of your permit application (Full Notice of Intent, or “Full NOI”). At the end of your project, you may also use any remaining funds in either category to cover fees incurred from obtaining other related and required permits (e.g. Act 250, Wetlands, etc.) or to pay any permit impact fees if applicable. Eligible cost categories are described further below. All invoices under this award must be associated with work related to three-acre compliance. If the costs to obtain a permit authorization under the three-acre permit exceed the total award amount, the Beneficiary is required to cover the remainder/exceedance.

Engineering Costs: Of the total award amount, up to \$30,000 may be used for engineering costs associated with obtaining a permit authorization under the three-acre permit. This might include costs specifically incurred by the engineering firm as well as any subcontracted work necessary to complete the engineering design and paperwork associated with the three-acre permit. This requirement applies to all eligible 3-acre sites except Manufactured Housing Communities (MHCs). MHCs are not subject to the \$30,000 engineering costs cap but are subject to the overall award cap of \$49,999.

Permit Review Fees: Of the total award amount, up to \$19,999 may be used for the administrative processing fee and application review fees due to the DEC Stormwater Program associated with obtaining a permit authorization under the three-acre permit.

The administrative processing fee is a flat \$240 that may be charged to a three-acre permit applicant each time the application is reviewed by the State. For most sites, the application review fee is calculated by multiplying \$860 by the number of confirmed impervious acres determined by the Stormwater Program during technical review. The amount of payment under this program is based on the impervious surface acres subject to three-acre requirements under Section 1.3.D. of General Permit 3-9050 (impervious surfaces of three or more acres). The POA Program award is only to be used with expenses related to three-acre impervious surfaces; not all impervious surfaces are subject to three-acre regulations. If the stormwater permit review fees include fees calculated on impervious surface acres not subject to the 3-acre regulations, the POA program will not cover those expenses. In this case, the beneficiary will be invoiced and is required to cover the remainder. The beneficiary will have up to 60 days to pay the outstanding balance or risk losing remaining award funding.

Other Permit and Impact Fees: Some 3-acre sites may be required to obtain additional permits on top of a three-acre permit in order to construct the stormwater treatment system. Other permits may include Act 250, Flood Hazard Area & River Corridor permit, Wetlands permit, etc. We urge beneficiaries to speak with their engineers early in the project about what other permits may be necessary. In addition, for projects deemed infeasible for treatment, the permittee may be required to pay Impact Fees. Both of these costs are eligible expenses under the POA program. Beneficiaries can seek reimbursement for these expenses using the remaining funds in either of the aforementioned cost categories once their stormwater permit application reaches the "Public Comment" period.

### ***Options for Award Payment Structure***

DEC understands that the financial aspects of obtaining a three-acre permit under the Permit Obtainment Assistance (POA) program can vary among beneficiaries. To accommodate these differences, this program offers two distinct pathways for structuring the award payments. If at the time of receiving this letter your site has submitted a Full NOI application for your three-acre permit, then your site must utilize payment Pathway 1. If your site has not yet submitted an application for a three-acre permit to the Stormwater Program, you will have the option to follow payment Pathway 2 but can also opt for Pathway 1 if that is preferable for your site. For both pathways, you can recover any related and eligible costs, even if you incurred them before applying for POA, as long as the costs were incurred on or after March 3, 2021.

### Pathway 1: One-time Reimbursement for Costs Incurred

Under this pathway, Beneficiaries can recover costs that have already been expended in the three-acre permitting process and will invoice the program only once. When filing for reimbursement, the Beneficiary must include the following with their invoice:

- Receipt of Stormwater permit review fees paid
- Proof of three-acre permit authorization
- Record of all paid engineering invoices related to three-acre permit obtainment
- Receipt of all other permit fees paid (if applicable)
- Receipt of Impact fees paid (if applicable)

If your site has submitted a three-acre permit application, but has not received permit authorization, the Beneficiary must wait until permit authorization is achieved before invoicing the program. If permit review costs exceed the permit review fee award amount of \$19,999, the Beneficiary will be responsible for the remainder/exceedance. Pathway 1 offers administrative simplicity for sites that can pay or already have paid out of pocket for eligible expenses.

### Pathway 2: Cashflow Throughout Permitting Design

Under this pathway, the Beneficiary can invoice against multiple invoicing checkpoints as outlined in the [Cost Breakdown Table](#), once the project reaches those specific milestones. Pathway 2 carries additional administrative and paperwork burdens but offers earlier cashflow for sites that need this assistance.

Eligible stormwater permit review fees for beneficiaries/sites that fall under Pathway 2 will be processed internally by DEC and do not need to be paid by the Beneficiary and invoiced for reimbursement. **The Beneficiary must attach this award letter to their three-acre permit application to be eligible for internal processing of permit review fees.** [Click here for further guidance on qualifying for internal payment of permit fees.](#) If permit review fees exceed the permit review fee award amount of \$19,999, the Beneficiary will be invoiced and is required to cover the remainder/exceedance. Similarly, if any permit review fees apply to impervious acres not subject to Section 1.3.D. of General Permit 3-9050 even if total is under \$19,999, the Beneficiary will be invoiced and is required to cover the remainder/exceedance. The applicant will have up to 60 days to pay the outstanding balance or risk losing remaining award funding. Timely payment from the Beneficiary is critical towards ensuring continued progress towards award milestones and permit compliance. Once the beneficiaries threeacre permit application has reached the "Public Comment" period, they may then invoice the program for other permit and impact fee costs.

As stated above, engineering costs under Pathway 2 may be invoiced up to four times across the award period, in alignment with the milestone schedule outlined in the [Cost Breakdown Table](#). The Beneficiary also has the option of allowing their engineer to invoice DEC directly on behalf of the Beneficiary. This can be accomplished by submitting a [Direct Payment Form \(DPF\)](#) to initiate direct payments to the appropriate engineer. The individual invoicing the program is required to submit receipts of costs incurred and deliverables for milestones 2 and 4 but will also have the options to invoice at milestones 1 and 3 to allow for additional cashflow. Of the up to \$30,000 allocated for engineering expenses, \$4,999 will be retained until the final milestone (permit authorization) is complete and final deliverables are submitted. It is the Beneficiary's responsibility to ensure the permit reaches the final milestone of permit authorization and if relying on an engineer to navigate the process, ensure that this final deliverable is reflected in the agreement between the engineer and Beneficiary.

Pathway determination depends on both where your site is in the permit obtainment process and which award structure will work best for your site's specific needs. For more information, an application walkthrough video tutorial can be found [here](#). In addition, program staff are available to assist you throughout the process and address any questions or concerns you may have regarding your award structure.

### ***Invoice Instructions***

- **W-9s:** Submittal of a valid W-9 to program staff for review is required before submittal of first invoice. Payment will not be made until the 3-Acre Stormwater Permit Obtainment Assistance Program staff thoroughly review and approve the W-9. If the Beneficiary identifies a third party to directly receive payment (see "Option for Direct Invoicing by Engineer" bullet point below), the third party must submit a W-9 directly to the State. All W-9s must be submitted to ANR.ARPA3ACSW@vermont.gov. W-9s only need to be submitted/approved once, prior to first invoice and are not required to be submitted with each invoice. Guidance for filling out a W-9 form can be downloaded [here](#) or found on the [ARPA 3-Acre Stormwater Runoff website](#).
- **Invoice Submittal:** To receive payment, invoices must be submitted to the 3-Acre Stormwater Permit Obtainment Assistance Program staff for review at ANR.ARPA3ACSW@vermont.gov with a completed [3-Acre Permit Cost Form](#). Please include the award number listed in this document in all correspondence with the State.
- **Final Invoice Submittal:** Please indicate in your email to ANR.ARPA3ACSW@vermont.gov if the invoice you're submitting is the last/final invoice under the project.
- **Invoice Schedule & Documentation:** For projects utilizing award Pathway 1, only one invoice may be submitted after the project has obtained their three-acre permit. For projects utilizing award Pathway 2, invoices can only be submitted at the time of the milestones identified in the Cost Breakdown Table. Each milestone can only be invoiced against once. Invoices for each eligible milestone must be submitted with receipt(s) for expenses incurred and the associated deliverable (refer to [Cost Breakdown Table](#)). See Cost Breakdown Table for required versus optional milestones and deliverables.
- **Option for Direct Invoicing by Engineer:** Invoices may be submitted by either the Beneficiary or a third party (i.e., Beneficiary's hired engineer) as identified by the Beneficiary on the [Direct Payment Form \(DPF\)](#). Beneficiaries should only fill out a DPF if they wish to have payments under their award sent directly to a third party. Third parties as identified on the DPF must plan to complete work or have already completed work associated with obtaining a three-acre permit on behalf of the Beneficiary. The Beneficiary must submit a DPF only once for each third party associated with work completed under this award. First time payments to a third party will not be made without the Beneficiary submitting a DPF naming the third party and the third party submitting a W-9. Please contact ANR.ARPA3ACSW@vermont.gov to submit a DPF.

### ***Milestone 2—Full Notice of Intent Submission—Deadline and Compliance***

Participants of either pathway within the Permit Obtainment Assistance program are required to have submitted their Full Notice of Intent (NOI) application by September of 2025 to remain eligible for ARPA funding (see Milestone 2 of [Cost Breakdown Table](#) in this award letter). This milestone is necessary to ensure projects remain on pace for completion before federal ARPA funding expires. After this date, the Beneficiary may be at risk of losing the funding provided by this program.

This deadline is in adherence to ARPA funding source constraints and does not extend or alter any regulatory deadlines prescribed by General Permit 3-9050 for 3-acre sites located within Lake Champlain, Lake Memphremagog, and stormwater-impaired watersheds. By September 2025, all regulatory due dates set forth in General Permit 3-9050 Subsection 2.3 for eligible ARPA-funded projects will have passed. Any applicant who has not submitted their Full NOI by the due date for their project is out of compliance with regulatory requirements. It is of utmost importance that all eligible applicants adhere to the General Permit 3-9050 Subsection 2.3 schedule for application submittal to remain compliant with the regulatory framework governing this program. If the due date for an applicant's site has already passed, they should apply for permit coverage as soon as possible.

### ***Disclosure of Other Funding Sources***

In the initial program application, applicants were required to disclose any other funding sources or financial support that they intended to utilize for the obtainment of a three-acre permit under the Permit Obtainment Assistance (POA) program. If the Beneficiary has not yet provided this information, DEC kindly requests that they disclose any such funding sources immediately.

If the Beneficiary has secured additional funding from sources such as grants or loan forgiveness, the funds awarded under the POA program should only be used to cover the remaining balance of the Beneficiary's permit obtainment costs that are not covered by other sources. Failure to adhere to this allocation requirement may result in the risk of losing funding under the POA program. DEC appreciates your cooperation in complying with these terms, as it ensures fairness and equity in the distribution of program funds.

### ***Guidance on Permitting Process Milestones***

DEC understands that navigating the permitting process can be a complex endeavor, and we aim to provide program Beneficiaries with insight into the expected timelines for key milestones. This information can assist in crafting agreements with your consultant team or engineer and managing the pacing of your project efficiently. Agreements between the Beneficiary and their hired engineer should also uphold the POA milestones and deliverables outlined in the [Cost Breakdown Table](#). Please keep in mind, these are generalized timelines to be used as an educational tool. Permit timelines tend to vary between 12-18 months based on engineering capacity. Please note that not all projects will follow this specific timeline, and some will face circumstances that do not allow for the following pacing.

#### **Agreement/Scope of Work Development (1-2 months)**

During the first month, it is essential to focus on developing the agreement and scope of work between you, the Beneficiary/permittee, and your consultant team or engineer. This stage involves determining the approach to be taken in your project. An informal check-in with the DEC Stormwater Program is recommended.

#### **Engineering Feasibility Assessment Development/Permitting Investigations (5-8 months)**

In the following months, you will be engaged in the development of the Engineering Feasibility Assessment (EFA) and conducting investigations related to permitting. This includes considerations for wetland, river, historic, Act 250, local, and erosion factors. Please note that these factors may trigger additional review and permit requirements needed to complete your project. Simultaneously, the

preparation of a 30% level concept design will take place. Informal check-ins with the property owners are advisable during this period.

#### 100% Level Design (2-4 months)

Between months 6 and 8, your focus should shift towards the preparation of a 100% level design for your project. This stage is pivotal in shaping the detailed specifications for your plan.

#### Application Submittal (2 months)

In the months following, your three-acre permit application (Full Notice of Intent) should be finalized and submitted to the DEC Stormwater Program. This marks a critical point in your project's progress.

#### Post Application Submission: Review, Public Notice, and Authorization (2 months)

Once your application is submitted, please be aware of the technical review and public comment process. The administrative and technical review time can vary depending on the volume of applications received by the DEC Stormwater Program. This process usually takes anywhere from 14-90 days with some exceptions.

For authorizations under General Permit 3-9050, there is a 14-day public notice period following the completion of DEC Stormwater Program technical review before the permit can be issued. In cases where a site requires an Individual Stormwater Discharge Permit, a 30-day public notice period applies. DEC Stormwater Program review and/or public notice may result in additional engineering work to incorporate comments. Note that to receive the full award amount, your site must receive the official three-acre permit authorization from the DEC Stormwater Program. Ensure your agreement with your engineer continues past application submittal and through permit authorization in case additional engineer work is required.

This guidance on permitting process milestones is intended to provide the Beneficiary with a framework for planning and managing your project effectively. Please feel free to reach out if with any questions or if further clarification on any aspect of the permitting process is required.

#### ***Instructions for Enrolled Sites Determined as Not Subject to Three-Acre Permit Coverage***

ARPA funding allocated for 3-acre sites through this POA program is exclusively available for projects that require three-acre permit coverage. If the site no longer requires three-acre permit coverage, the Beneficiary and their site are no longer eligible for POA program funding.

If the DEC Stormwater Program determines a POA program-enrolled permittee's site is not subject to three-acre permit requirements (e.g., site is determined to have less than 3 acres impervious surface), certain POA program procedures must be followed. The Beneficiary must obtain written confirmation from the DEC Stormwater Program, indicating that the site no longer meets the criteria for a 3-acre site. The Beneficiary must submit this written confirmation to the POA program to close out their POA award.

It is imperative that the permittee engages directly with the DEC Stormwater Program to confirm their site is not subject to three-acre permit requirements. The DEC Stormwater Program must verify permit applicability and update of the site's status in DEC Stormwater Program's permitting database to

"permit not required." This designation signifies that the three-acre permit requirements no longer apply to the site.

Please be aware that this POA program does not cover construction work aimed at reducing impervious surface area to fall below the 3-acre threshold. However, such a reduction in impervious surface area is an acceptable means for a landowner to exempt their site from the three-acre permit requirements, subject to approval and confirmation by the DEC Stormwater Program.

***Instructions for Enrolled Sites Where On-Site Treatment is Determined Infeasible***

If the DEC Stormwater Program, in consultation with the site's engineer, determine a POA program-enrolled site cannot feasibly implement treatment to meet three-acre permit standards, certain POA program procedures must be followed. In this event, permit coverage would still be required to remain in compliance with regulatory requirements, even if no stormwater treatment can be implemented on the site.

Engineers must conduct Engineering Feasibility Assessment (EFA) for all 3-acre sites. The EFA determines if treatment is feasible on the site. If the EFA suggests treatment is not feasible, the engineer will consult with the DEC Stormwater Program to confirm if treatment on the site is required. The Beneficiary must then provide POA program staff with documentation of this confirmation. In this event, three-acre permittees have two options to comply with the three-acre permit:

1. Pay stormwater impact fee in accordance with regulatory standards, and/or
2. Complete an offset project in accordance with regulatory standards.

Refer to the General Permit 3-9050 or contact the DEC Stormwater Program for more information.

ARPA funding allocated for 3-acre sites through this POA program can be utilized for the payment of stormwater impact fees but cannot be utilized to pay for offset projects. In any case, the funding does remain available for the completion of the Engineering Feasibility Assessment (EFA) and obtainment of permit authorization.

***American Rescue Plan Act (ARPA) Background***

Vermont was awarded \$1.05 billion in Coronavirus State and Local Fiscal Recovery Funds (Recovery Funding) as part of the federal American Rescue Plan Act (ARPA) of 2021. The Governor's Recovery Plan is focused on transparent investments in key infrastructure needs including housing, broadband, wastewater and sewer systems, climate change prevention and mitigation, and economic development. The explicit objective of this Plan is to provide long term economic recovery opportunities to communities statewide, with a focus on those regions or counties struggling the most with job losses and declines in demographics and income levels.

This portion of American Rescue Plan Act (ARPA) funding has been awarded from the Coronavirus Relief Fund (CRF) established under the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act to address necessary expenditures with respect to the Coronavirus Disease 2019 (COVID-19) public health emergency. This award is being issued to provide economic support to eligible 3-acre sites, who have been impacted by the COVID-19 public health emergency, in order to offset the costs associated with obtaining the Stormwater General Permit 3-9050 or individual operational stormwater permit.



### ***Three-Acre Permit Background—Your Role Improving Vermont’s Water Quality***

Act 64 of 2015, commonly referred to as the “Vermont Clean Water Act,” signed into law June 2015, mandates that the Agency of Natural Resources issue new clean water regulations. The regulations are intended to achieve the phosphorus pollution reductions required for Lake Champlain and Lake Memphremagog to meet water quality standards, outlined in restoration plans known as Total Maximum Daily Loads or “TMDLs.”

Act 64 requires discharge from sites with “impervious surfaces of three or more acres,” known as “3-acre sites” to secure coverage of the General Permit 3-9050 through the Vermont Department of Environmental Conservation’s (VT DEC) Stormwater Program. 3-acre sites are required to treat stormwater runoff from impervious surfaces—hard surfaces such as roof tops, roads, and parking areas—and reduce pollution entering our waters. General Permit 3-9050 currently requires stormwater treatment at sites with three or more acres of impervious surface that are unpermitted or permitted under standards prior to the 2002 Stormwater Management Manual in Lake Champlain, Lake Memphremagog, and in stormwater-impaired watersheds.

### ***Conditions of Receipt***

You do not need to take any action to accept the funding assistance provided. The payment details for your organization’s 3-Acre Stormwater Permit Obtainment Assistance Program payment are provided above. If it is found that this award was issued due to error, if there was a misrepresentation of facts, or fraud in your application, you will be required to return the funds to Vermont Agency of Natural Resources, Department of Environmental Conservation. The end date for this agreement is August 31<sup>st</sup>, 2026.

### ***Records Available for Audit***

The beneficiary shall maintain all records pertaining to performance under this agreement. “Records” means any written or recorded information, regardless of physical form or characteristics, which is produced or acquired by the awardee in the performance of this agreement. Records produced or acquired in a machine-readable electronic format shall be maintained in that format. The records described shall be made available at reasonable times during the period of the award and for five years thereafter or for any period required by law for inspection by any authorized representatives of the State or Federal Government. If any litigation, claim, or audit is started before the expiration of the five-year period, the records shall be retained until all litigation, claims or audit findings involving the records have been resolved.

### ***Disclaimer***

The United States expressly disclaims any and all responsibility or liability to Participant or third persons for the actions of Participant or third persons resulting in death, bodily injury, property damages, or any other losses resulting in any way from the performance of this award or any other losses resulting in any way from the performance of this award or any contract, or subcontract under this award. The acceptance of this award by Participant does not in any way establish an agency relationship between the IFA, United States and Participant.

### **STATE AGENCY**

Vermont Agency of Natural Resources, Department of Environmental Conservation

## PERSON OF CONTACT

For funding program questions:

Madeline Russell

3-Acre Stormwater Project Developer, Department of Environmental Conservation

Email: [madeline.russell@vermont.gov](mailto:madeline.russell@vermont.gov)

Phone: 802-261-5739

For financial questions:

Email: [anr.decgms@vermont.gov](mailto:anr.decgms@vermont.gov)

For questions regarding three-acre permit regulations and associated requirements:

DEC Stormwater Program

[District Contact Map for Operational Permitting](#)

## AUTHORIZED STATE SIGNATURE:



Madeline Russell | 3-Acre Stormwater Project Developer

Vermont Agency of Natural Resources | Department of Environmental Conservation

## BENEFICIARY CONTACT

**PRINTED NAME:** Joshua Arneson

**TITLE:** Richmond Town Manager

**ORGANIZATION NAME:** Town of Richmond

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