

File No. 11-19
Permit No. 1-0460
PIN No. RU99-0309

STATE OF VERMONT
AGENCY OF NATURAL RESOURCES
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

AMENDED DISCHARGE PERMIT
STORMWATER RUNOFF TO WATERS OF THE STATE
10 V.S.A. §§1263 and 1264

Home Depot, USA., Inc.
3096 Hamilton Boulevard
South Plainfield, NJ 07080

and

Ann Juster
303 South Broadway
Suite 450
Tarrytown, NY 10591-5410

and

Homer and Ruth Sweet
2700 Nebraska Ave.
Apt. 1-205
Palm Harbor, FL 34684-2613

The above named permittees are hereby granted permission to discharge, into an unnamed tributary of Tenney Brook, treated and controlled stormwater runoff from the roadways, parking areas, and roofs associated with the 'Rutland Mall' (a/k/a 'Juster Mall'), Route 4, Town of Rutland, Vermont, in accordance with the Findings of Fact, Conclusions of Law, and Order issued by the Vermont Water Resources Board ("Board") this day in the matter, Re: Home Depot, USA, Inc., Docket No. WQ-00-06 and the "Terms and Conditions" contained herein. ***Substantive modifications made by the Board to the permit issued by the Secretary of the Agency of Natural Resources ("ANR"), through his designee ("Secretary"), are indicated in bold italic.***

Terms and Conditions

1. Expiration Date: March 31, 2005. Note: This permit, unless revoked, shall be valid until the designated expiration date despite any intervening change in water quality, effluent, or treatment standards of the classification of the receiving waters of the State. However, any such changed standard or classification shall be applied in determining whether or not to renew the permit pursuant to 10 V.S.A. § 1263.

Reapply for a discharge permit by September 30, 2004.

2. Revocation: 10 V.S.A. § 1267 provides as follows:

The [S]ecretary [of ANR] may, *after notice and opportunity for public hearing, under 3 V.S.A. § 814(c)*, revoke, *modify or suspend* any permit issued by the secretary pursuant to this subchapter [10 V.S.A. ch. 47, subch. 1] *upon finding that* the permit holder submitted false or inaccurate information in the application or has violated any requirement, restrictions, or condition of the permit *or that there is a change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge*. Revocation shall be effective upon actual notice thereof to the permit holder. *When the [S]ecretary determines, after consultation with the commissioner of the department of public health, that a violation threatens the public health, the [S]ecretary shall suspend the permit until the permit holder removes the risk.*

3. Operating Fees: This discharge is subject to operating fees. The permittees shall submit the operating fees in accordance with the procedures provided by the Secretary.
4. Transfer of Permit: This permit is not transferable without written approval of the Secretary. The permittees shall notify the Secretary immediately, in writing, of any sale, lease, or other transfer of ownership of the property from which the discharge originates. The permittees shall provide a copy of this permit to the new owner or tenant and shall also inform the new owner or tenant of his responsibility to make application for a permit which shall be issued in his name. Any failure to do so shall be considered a violation of this permit.
5. Right of Entry: The permittees shall allow the Secretary or his/her authorized representative, upon presentation of credentials, to enter the permittees' premises where the effluent sources authorized by this permit are located and at reasonable times to have access to copy any records required to be kept under the Terms and Conditions of this permit, and to inspect any treatment device, monitoring equipment, or monitoring method required in this permit, and to sample any discharge of pollutants.
6. Receiving Waters: *The discharge of stormwater runoff authorized by this permit is to an unnamed tributary of Tenney Brook, a water of the State. The actual point of discharge into receiving waters will occur at a junction box where the 72" pipe conveying treated stormwater from the detention basin meets a 36" culvert draining waters from the east side of Route 4. The junction box will be located approximately sixty feet north of the detention pond under pavement near the Mall's main access road from Route 4.*
7. Manner of Discharge: S/N 001: Stormwater runoff from the buildings, roadways, and parking areas *shall be* collected in a catch basin system which conveys the runoff to *an enlarged* detention basin which will discharge via a controlled outlet structure *into a 72" pipe. From there, treated stormwater and receiving waters shall daylight into a relocated drainage ditch near the northerly edge of the developed portion of the mall property* into an existing swale *and Class Two wetland, before discharging into Tenney Brook.*
8. Wastes Permitted: S/N 001: Stormwater runoff from the buildings, roadways, and parking areas of the Rutland Mall after treatment and control via a detention basin. *This permit expressly does not authorize any other discharges, including non-stormwater runoff, from the garden center proposed to be operated by Home Depot, U.S.A., Inc. A permit for such discharge(s) may be*

authorized by the Secretary, subject to specific Terms and Conditions which may include, among other things, that the permittees prepare, submit to the Secretary for approval, and implement a pollution prevention plan prior to operation of the garden center to protect surface and ground waters.

9. Volumes Permitted and Frequency of Discharge: Such volumes and frequency as required by the discharge specified in Condition 7. above and the .
10. Approved Project Design: Treatment as specified in Condition 8. above. For details of stormwater treatment and control, see the DuBois & King, Inc. Plan sheets specified below and supporting information: Sheet 2 of 2, dated July 1999, last revised 3/22/00; Sheets 8, 9, 10, and 18 of 21, dated July 1999, last revised 3/22/00; and Sheet 12 of 21, dated July 1999, last revised 12/17/99.

By reference, the above noted plans, *along with other exhibits submitted by the permittees and admitted by the Board in Re: Home Depot, USA, Inc., Docket No. WQ-00-06*, are made a part of this permit.

11. Maintenance and Maintenance Reporting Requirements:
- a. The detention basin, swales, collection system and any related stormwater devices shall be maintained in good operating order at all times and shall be inspected at least **quarterly**. Inspections during the first and fourth quarter shall be conducted during March and November respectively.
 - b. The detention basin, swales, and the stormwater collection system shall be cleaned as necessary to maintain design treatment specifications.
 - c. Collected sediment removed from the swales, the stormwater collection system, and the detention basin shall be disposed of in accordance with state and federal statutes and regulations.
 - d. By **SEPTEMBER 30 OF EACH YEAR** a written report shall be submitted to the Department of Environmental Conservation, 103 South Main Street, Waterbury, VT 05671-0405. This report shall include, at a minimum:
 - i. The dates and details of the cleaning and maintenance operations carried out in the preceding year.
 - ii. A narrative summarizing the results of the inspections conducted in the preceding year.
 - e. If this discharge or the conveyance of stormwater within the stormwater treatment and control system results in or significantly contributes to erosion, then the permittee shall immediately correct any such problems.
 - f. Any basins, swales or related stormwater devices used during construction for erosion control shall be inspected and cleaned to design specifications immediately after construction has been completed.

12. Personnel and Training Requirements: Such personnel and training as necessary to fulfill the requirements of Condition 11 above.
13. Monitoring and Reporting Requirements: No monitoring is required *except as provided in Condition 14 below*; reporting requirements are specified in Condition 11 above.
14. Other Requirements:
- a. The plowing of snow into waters of the State is prohibited.
- If snow storage occurs in the detention basin, all snow and accumulated sediment shall be removed from the detention basin by no later than March 15 *of each year*.
- The permittees shall develop and implement a snow management plan in order to minimize the discharge of pollutants to waters of the State. *The permittees shall prepare said plan and file it with the Secretary by September 30, 2001, for his/her approval. The plan shall provide for plowing snow into designated areas within and adjacent to the parking lots and roadways for snow storage. The plan shall contain provision(s) for ensuring compliance with the practices and standards set forth in that plan, including, but not limited to, the addition of a physical barrier preventing the plowing/ stockpiling of snow in the location of the extended parking area to prevent untreated runoff into the new drainage ditch stream channel and adjacent Class Two wetland. Compliance also can be provided through a program of monitoring to ensure that violations can be easily traced.*
- b. Treated stormwater runoff is the only waste authorized for disposal under the terms and conditions of this permit. The discharge for any hazardous materials or hazardous waste into the stormwater management system is prohibited.
- c. The issuance of this permit does not relieve the permittees from obtaining coverage under General Permit 3-9001, if applicable.
15. Adverse Impact: This discharge shall not cause or contribute to conditions that would have an undue adverse effect on the composition of the aquatic biota, the physical or chemical nature of the substrate, species composition, or the propagation of fishes.
16. Issue Date of Permit: February 6th, 2001.

WATER RESOURCES BOARD

By /s/ David J. Blythe
David J. Blythe, Chair

TRANSFER APPLICATION

I, _____, hereby apply for permission to discharge waste into the waters of the State under the provisions of Stormwater Discharge Permit, Amended Permit No. 1-0460, previously issued to Home Depot, USA, Inc., Ann Juster, and Homer and Ruth Sweet.

Signed: _____

If applicant is not a person, indicate office held by signatory and name of applicant:

Address: _____

Telephone: _____