STATE OF VERMONT
AGENCY OF NATURAL RESOURCES
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
WATERSHED MANAGEMENT DIVISION
1 NATIONAL LIFE DRIVE, MAIN 2
MONTPELIER, VT 05620-3522

DISCHARGE PERMIT
NPDES Number: VTS0000181
Permit Number: 4096-INDC.1

For Stormwater Runoff from the Construction of the **South Village Development** located off Spear Street in South Burlington Vermont.

In compliance with provisions of the following state and federal laws and rules: the Vermont Water Pollution Control statute, 10 V.S.A. Chapter 47, including §§1258, 1259 and 1263; the Vermont Water Pollution Control Rules, Chapter 13, the federal Clean Water Act, as amended, 33 U.S.C. 1251 et seq., including 33 USC 1342(p); and the regulations of the federal Environmental Protection Agency including 40 CFR 122.26 and in accordance with terms and conditions hereinafter specified,

Permittee: **South Village Communities, LLC**
P.O Box 2286
South Burlington, VT 05407

Co-Permittees:
Principal Operator: S.D. Ireland Excavation (c/o Clovis Arel)
193 Industrial Ave.
Williston, VT 05495

(All principal operators shall obtain coverage as co-permittees prior to the commencement of construction activities.)

are hereby authorized by the Secretary of the Agency of Natural Resources (ANR), to discharge stormwater runoff from the construction site of the **South Village Phase I and II** located off **Spear Street** in **South Burlington, VT** discharging to **Monroe Brook and Bartlett Brook.**

This authorization incorporates by reference the following Erosion Prevention and Sediment Control Plan (EPSC Plan) provided by the applicant to the Secretary:

Sheets: EC-1, dated 2/2015; EC-2, dated 2/ 2015, revised 6/25/2015; EC-3 dated 2/ 2015; EC-4 dated 2/2015, revised 6/25/2015; EC-5 dated 2/2015, revised 6/25/2015
Prepared by Civil Engineering Associates, LLC

And

Sheets: E1, dated 11/8/13, last revised 6/25/15; and E2, dated 11/8/13, last revised 6/25/15
Prepared by O'Leary-Burke Civil Associates, PLC

Both Received 7/6/2015

Part I. Coverage under this Permit

A. Discharges Covered by this Permit

Subject to compliance with the terms and conditions of this permit, this permit authorizes the discharge of pollutants in stormwater associated with the construction of South Village Phase I and II located in South Burlington discharging to Bartlett and Monroe Brooks. This permit only applies to construction activities performed in accordance with the approved EPSC Plan. This permit also authorizes discharges from excavation dewatering activities in accordance with Part II.H of this permit.

B. Limitations on Coverage

1. The Secretary has determined that an individual permit is required for this project.

2. This permit does not authorize:
   a. Discharges of post-construction regulated stormwater runoff from impervious surfaces regulated pursuant to Vermont's stormwater statute (10 V.S.A. Section §1264) and Vermont Department of Environmental Conservation's (DEC) stormwater rules (i.e. Chapters 18 and 22 of DEC's Environmental Protection Rules);
   b. Stormwater discharges not associated with construction activities;
   c. Stormwater discharges from construction related activities when the discharge or activity is likely to jeopardize the continued existence of any State or federally listed threatened or endangered species or result in the destruction or adverse modification of critical habitat.

C. Off-Site Support Activities

The permittee shall obtain permit coverage from DEC prior to the use of any support activities occurring outside of the approved project boundaries (e.g. equipment staging areas, material storage areas, excavated material disposal areas and borrow areas). Support activities outside of the approved project boundaries shown in the EPSC Plan shall obtain coverage by amending this permit, or by obtaining coverage under a different individual discharge permit or under DEC's General Permit for Stormwater Runoff from Construction Sites.

D. Co-Permittees

1. In addition to the permittee, all parties associated with the construction activity who meet either of the following two criteria must obtain coverage under this permit as co-permittee prior to the commencement of construction activities:
   a. The party has operational control over construction plans and specifications, including but not limited to the ability to make modifications to those plans and specifications; or
   b. The party has continuous day-to-day operational control of those activities at the project that are necessary to ensure compliance with an EPSC Plan for the site or other permit conditions (e.g. they are authorized to direct workers at a site to carry out activities required by the EPSC Plan or comply with other permit conditions).

Part II. Erosion Prevention and Sediment Control Requirements

A. Implementation of EPSC Plan

1. Each permittee is responsible for implementing the approved EPSC Plan and shall at all times comply with the approved EPSC Plan or amended versions of the EPSC Plan updated in accordance with this permit.

2. The EPSC Plan is incorporated by reference and included in the terms of this permit, and each permittee shall implement the provisions of the EPSC Plan, and all amendments thereto, as a condition of this permit. Failure to comply with the EPSC Plan, and all amendments thereto, shall be deemed a violation of this permit and subject to potential enforcement.

3. Each permittee is responsible for ensuring that each co-permittee involved in construction activities is familiar with the terms and conditions of the EPSC Plan and that each co-permittee's activities are carried out in accordance with the EPSC Plan.

4. The permittee shall assure that construction of all small and large sediment control practices, where proposed on the site, are completed in accordance with the 2006 Vermont Standards and Specifications for Erosion Prevention and Sediment Control prior to upslope earth disturbance of areas for which these features are designed to provide sediment control.

5. The permittee shall assure that, prior to earth disturbance within any area of the site located within 100 feet upslope of a stream or wetland, silt fence or approved perimeter control shall be installed in accordance with the 2006 Vermont Standards and Specifications for Erosion Prevention and Sediment Control and the EPSC Plan at an appropriate distance down slope from disturbed areas and upslope from such waters.

6. The permittee shall install all required elements with the EPSC Plan within a given work area prior to earth disturbance within that work area. Earth disturbance includes, but is not limited to, stumping and grubbing of cleared areas.

B. On-Site Plan Coordinator (OSPC)

1. The permittee shall designate a person as the OSPC who shall be directly responsible for on-site implementation of the EPSC Plan. Such person shall be knowledgeable in the principles and practice of erosion prevention and sediment controls and possess the skills to assess conditions at the construction site that could impact stormwater quality and to assess the effectiveness of all sediment and erosion control measures selected to control the quality of stormwater discharges from the construction activity.

2. The OSPC shall have the authority to stop and/or modify construction activities as necessary to comply with the EPSC Plan and the terms and conditions of this permit and shall be responsible for inspections and record keeping. The OSPC or his/her designee shall be on site on a daily basis during construction activity. The OSPC does not have to be the permit applicant.

3. The name and daytime telephone number of the OSPC shall be filed in writing with DEC's Stormwater Management Program before the start of construction.

C. Maintenance of Erosion Prevention and Sediment Control Measures

1. All erosion prevention and sediment control measures identified in the EPSC Plan shall be maintained in effective operating condition. If site inspections required by Part III.A identify Best Management Practices (BMPs) that are not operating effectively, maintenance shall be performed as soon as possible and before the next storm or snowmelt event to maintain the continued effectiveness of the measures. If implementing BMPs is impracticable before the next storm or snowmelt event, then the affected area shall be stabilized temporarily until such time that the BMPs can be installed.

2. If existing BMPs need to be modified or if additional BMPs are necessary for any reason, implementation shall be completed before the next storm event. If implementing BMPs is impracticable

before the next storm event, then the affected area shall be stabilized temporarily until such time that the BMPs can be installed.

D. Modifications to the EPSC Plan Identified as Necessary by Inspections from DEC Representatives

1. If, based upon inspections or investigations by DEC representatives, it is determined that the EPSC Plan will not be sufficient to prevent runoff of visibly discolored stormwater from the construction site, the permittee shall modify the EPSC Plan as necessary to include additional or modified BMPs designed to correct problems identified. Revisions to the EPSC Plan shall be completed within seven (7) calendar days following the inspection or investigation.

2. At any time after issuing this permit, the Secretary may, in his or her sole discretion, determine that a stormwater discharge may cause, has reasonable potential to cause, or contribute to a violation of Vermont's Water Quality Standards. If such a determination is made, the Secretary will require the permittee to:
   a. Amend the EPSC Plan to address adequately the identified water quality concerns;
   b. Submit valid and verifiable data and information that are representative of ambient conditions and indicate that the receiving water is attaining water quality standards; or
   c. Cease discharges of pollutants to surface waters from the construction activity.

3. The Secretary has the sole discretion to order a permittee to immediately stop all ongoing construction and construction-related activities upon a finding that a discharge or potential discharge from such activities presents a current or potential threat of harm to the environment. The Secretary's stop work order may also require the permittee to take all actions to prevent or correct the discharge or potential discharge. Any action taken by the Secretary pursuant to this subpart shall not limit the Secretary's authority to pursue other enforcement actions pursuant to 10 V.S.A Chapters 47 and 201.

4. Each revised EPSC Plan prepared pursuant to this Part shall be maintained on-site.

E. EPSC Plan Availability

The permittee shall provide a copy of the EPSC Plan and all amendments to the OSPC and all contractors responsible for construction activities. A copy of the EPSC Plan shall be kept on site at all times and shall be made available to the Secretary, or his or her designated representative, upon request.

F. Amending the EPSC Plan

1. The permittee shall amend the EPSC Plan prior to implementing any change in the design, construction, operation or other procedure which would alter the grading plan, construction sequence, or the location or implementation of any BMPs.

2. An amendment to the EPSC Plan is required, if after taking corrective action, as required in Part III.B, it is determined that the EPSC Plan requires an amendment to be effective in future efforts in preventing erosion and controlling the discharge of sediment.

3. An amendment to the EPSC Plan is required if the Secretary makes this determination pursuant to Part II.D.2 of this permit.

4. The OSPC is authorized to implement minor changes that involve substituting accepted interchangeable erosion prevention and sediment control practices, as detailed in the Vermont Erosion Prevention and

Sediment Control Field Guide. The substitution of interchangeable practices shall be noted on the on-site EPSC Plan, on a form provided by the Secretary.

5. For changes to the EPSC Plan other than substitution of interchangeable practices from the Vermont Erosion Prevention and Sediment Control Field Guide, the permittee shall have the EPSC Plan modified to reflect the change by either the original designer, a professional engineer licensed in the State of Vermont or a Certified Professional in EPSC. Such modification shall include a certification that the modified EPSC Plan meets the requirements of this permit and The Vermont Standards and Specifications for Erosion Prevention and Sediment Control on a form provided by the Secretary.

6. All proposed changes to the EPSC Plan that do not conform to The Vermont Standards and Specifications for Erosion Prevention and Sediment Control must be submitted to DEC for formal approval prior to implementation of the changes in the field. The submission shall include:

   a. Narrative description of the plan changes;
   b. Justification for the alternative EPSC practice(s);
   c. Updated EPSC Plan sheets showing the proposed changes;
   d. Any additional information required by the Secretary.

7. Any change that involves earth disturbance substantially outside of the originally authorized limits of disturbance requires coverage under a separate authorization or amendment to this permit. Any such change shall require permittee to submit to DEC for formal approval prior to implementation of the change. In consideration for approval, DEC may consider several factors in determining whether the change is substantial and requires an amendment to the permit, including but not limited to size of additional area(s) to be disturbed, existing condition of area(s) to be disturbed, proximity to water resources and their buffers, and may consider whether the change will negatively impact water resources. The submission shall include:
   a. Narrative description of the change(s);
   b. Justification for the change;
   c. Updated EPSC Plan sheets showing the proposed change(s);
   d. Any additional information requested by the Secretary deemed necessary for consideration.

G. Late Fall/Winter/Early Spring Construction Activities

1. If construction activities involving earth disturbance continue past October 15 or begin before April 15 (Winter Construction), the permittee shall implement Winter Construction EPSC practices as outlined in the EPSC Plan.
2. If a permittee plans to undertake construction activities during Winter Construction and the EPSC Plan does not identify EPSC measures during this time period, the permittee shall submit a stand-alone EPSC Plan for this late fall/winter/early spring work to DEC for formal approval prior to undertaking such activities. The submission shall include a narrative description of the proposed work and the stand-alone EPSC Plan shall include only this work. The stand-alone EPSC Plan shall be designed according to The Vermont Standards and Specifications for Erosion Prevention and Sediment Control.
3. All possible measures will be taken to limit the exposure of soils during all late fall/winter/early spring construction activities. The Secretary reserves the right to require suspension of construction activities until after April 15 if late fall/winter/early spring construction is determined to present a significant risk to water quality. Also, the Secretary reserves the right to prohibit construction activities between October 15 and April 15 if late fall/winter/early spring construction is determined to present a significant risk to water quality.

H. Dewatering Activities

1. A site-specific dewatering plan shall be employed for any dewatering activities. The dewatering plan shall detail the following:
   a. Nature of activity requiring dewatering;
   b. Location of the dewatering pumpage show on plan;
   c. EPSC practice(s) to be used during dewatering activities; and
   d. Anticipated duration of dewatering activities.

The use of EPSC practice(s) for dewatering activities not included in the original EPSC Plan are subject to the requirements of Part II.F.

Pumpage from areas excavated for the construction of the project shall be treated or disposed of in such manner that any dewatering discharge to waters of the state is visibly clear. Prior to any dewatering activities which may result in the pumpage reaching State waters by surface flow, the permittee shall measure and document the turbidity value to ensure that it is sufficient to comply with the terms and conditions of this permit. The inspection reports shall contain information on when dewatering is being done, measures being utilized for treatment, and effectiveness of those measures.

I. Disturbance Limitations/Stabilization

1. The total earth disturbance associated with construction of this project is approximately **34** acres. The maximum area of concurrent earth disturbance at any one time allowed under this permit is **5** acres.

2. All areas of earth disturbance must be stabilized within **7** days of initial disturbance. After this initial 7-day period, all disturbances in these areas must be stabilized on a daily basis, with the following exceptions:
   a. Stabilization is not required if work is to continue in the disturbed area within the next 24 hours and there is no precipitation forecast for the next 24 hours.
   b. Stabilization is not required if the work is occurring in a self-contained excavation (i.e. no outlet for stormwater) with a depth of 2 feet or greater (e.g. underground utility installation).
   c. During Winter Construction, to ensure cover of disturbed soil in advance of a melt event, areas of disturbed soil must be stabilized at the end of each work day, in accordance with the previous exceptions.

J. Pre-construction Conferences

The permittee shall notify DEC of the planned start date and schedule a pre-construction conference at least two weeks prior to commencing construction. The pre-construction conference shall occur prior to initiating construction activities and shall be attended by the OSPC, EPSC Specialist, and a representative of DEC.

K. Compliance with Anti-Degradation Policy and Water Quality Standards

The Secretary has determined that the permitted discharges satisfy Vermont's Anti-degradation Policy provided in Section 1-03 of the Vermont Water Quality Standards and the Department of Environmental Conservation's Interim Anti-degradation Implementation Procedure because the applicant has demonstrated how the proposed development will implement practices and monitor construction to ensure water quality is maintained in the receiving waters. In particular, the applicant has demonstrated how the proposed development will implement appropriate best management practices (BMPs) during construction in accordance with the Erosion Prevention and Sediment Control Plan (EPSC Plan) and how the applicant will ensure the project is closely monitored throughout construction.

Part III. Inspections, Discharge Sampling, Corrective Action, and Recordkeeping

A. General Inspection Requirements

1. The permittee is responsible for inspecting and maintaining erosion prevention and sediment controls that minimize or eliminate pollutants in the discharge in accordance with the requirements of this permit.

2. Inspections shall be conducted at least once every seven (7) calendar days and as required in Part III.B of this permit.

3. During the late fall/winter/spring construction season (October 15th through April 15th), daily inspections shall be conducted of areas that have been disturbed and are not yet finally stabilized.

4. Inspection frequency may be reduced to not less than one (1) per month if the entire site is temporarily stabilized.

5. Inspections may be postponed indefinitely if the entire site is permanently stabilized.

6. Inspections shall be conducted by, or under the direction of, the OSPC.

7. Inspections shall include all areas of the site disturbed by construction activity and all discharge locations, including areas with temporary stabilization.

8. An inspection report shall be completed for each inspection and signed by the OSPC or the person acting under the direction of the OSPC. At a minimum, each inspection report shall include:
   a. The inspection date;
   b. Names, titles, and qualifications of personnel making the inspection;
   c. A general description of weather information for the period since the last inspection (or since commencement of construction activity if the first inspection) including a description of any precipitation, any runoff of visibly discolored stormwater from the construction site and any discharges of visibly discolored stormwater from the construction site to waters of the state;
   d. A description of current weather information and a description of any runoff or discharges of visibly discolored stormwater to waters of the state occurring at the time of the inspection;
   e. Location(s) of runoff or discharges of visibly discolored stormwater to waters of the state from the construction site;
   f. Location(s) of BMPs that need to be maintained;
   g. Location(s) of BMPs that failed to operate as designed or proved inadequate for a particular location;
   h. Location(s) where additional BMPs are needed that did not exist at the time of inspection;
   i. Any corrective action required including any necessary changes to the EPSC Plan and implementation dates;
   j. Description of areas that are currently disturbed and areas that have been temporarily or finally stabilized since last inspection;
   k. A description of the soil conditions (e.g. dry, wet, saturated); and
   l. A certification that the construction activities are now in compliance with the EPSC Plan and this permit.

9. A record of each inspection report and of any actions taken in accordance with this Subpart shall be maintained on-site with the EPSC Plan and shall be made available upon request by DEC representatives.

10. When site conditions between April 15th – May 15th are similar to winter conditions (e.g. snow cover, frozen ground and/or saturated soils) within the areas of planned earth disturbance, the appropriate winter restrictions on page 3.19 of the 2006 Vermont Standards and Specifications for Erosion Prevention and Sediment Control selected by the OSPC shall be applied to the portions of the site that are experiencing those conditions.

B. Inspection, Sampling and Corrective Action Requirements

1. As soon as reasonably possible, during, or after, every rainfall event or snowmelt event which produces runoff from the construction site, the OSPC shall inspect for the runoff of visibly discolored stormwater from the construction site. If there is runoff of visibly discolored water from the construction site, the OSPC shall as soon as practicable inspect and maintain BMPs for compliance with the approved EPSC plan. For purposes of this permit, "construction site" shall mean the land or water area where any facility or activity is physically located or conducted, including adjacent land used in connection with the facility or activity or the area of earth disturbance directly associated with the permitted construction activity.

2. If after inspecting and maintaining existing BMPs in accordance with Part III.B.1, the runoff of visibly discolored stormwater continues, the OSPC shall sample the runoff as follows:
   a. A turbidity sample shall be taken at each point where visibly discolored stormwater runs off the construction site. Samples shall be representative of the flow and characteristics of the runoff.
   b. If due to unexpected circumstances an OSPC is unable to sample during periods of runoff, the monitoring report shall include a brief explanation of such circumstances.
   c. Sampling is required at all points where visibly discolored stormwater runoff from disturbed areas that have not been finally stabilized leaves the construction site.
   d. All sampling points shall be identified on the EPSC Plan site map and be clearly marked in the field with a flag, tape, stake or other visible marker.
   e. After approval by DEC, sampling may be discontinued at those points of stormwater runoff that are deemed to pose no risk of discharge to waters of the state.

3. If the turbidity sample taken is 25 NTU or lower, no further sampling or action is required during this particular event.

4. If the turbidity sample taken is greater than 25 NTU:
   a. The OSPC shall as soon as practicable evaluate the need for supplemental BMPs and install such BMPs as necessary to correct the runoff.
   b. The OSPC shall, within 72 hours of first discovering the runoff, submit a written report about the runoff and resulting corrective action to the Secretary. The report shall:
      i. Be on a form provided by the Secretary
      ii. Describe the cause, time and date, and location of the runoff;
      iii. Describe the status of construction and conformance with the EPSC Plan at the time of the runoff;
      iv. Detail the corrective action taken to stop the runoff, including a description of the actions taken, their location, and the time and date of the corrective action; and
      v. Be copied and a copy retained on-site with the EPSC Plan.

   c. The EPSC Plan shall be updated within 72 hours to reflect the actions taken.

5. After taking the actions required in Part III.B.4.a above, and if the runoff of visibly discolored stormwater continues, the OSPC shall again follow the inspection and sampling requirements in Part III.B.2 above. If the turbidity sample is less than 25 NTU then no further action is needed. If the turbidity sample is greater than 25 NTU, the OSPC shall immediately notify DEC's Stormwater Program. DEC may require the OSPC to reevaluate existing BMPs and install supplemental BMPs as necessary to correct the runoff. At the Secretary's discretion, DEC may also require the OSPC to continue sampling runoff daily when runoff is occurring until:
   a. Turbidity is 25 NTU or lower; or
   b. The runoff stops or is eliminated.

C. Recordkeeping

1. The following records shall be maintained on-site with the EPSC Plan:
   a. Inspection reports prepared pursuant to Part III.A of this permit;
   b. Discharge Reports, Corrective Action reports and Summaries of Releases prepared pursuant to Parts III.B and VIII.C of this permit;
   c. Notices of Addition or Termination of Co-Permittees submitted to the Secretary in accordance with Part V of this permit;
   d. Any Notices of Termination for Portions of the On-going Construction Site in accordance with Part V of this permit; and
   e. Any amendments to the EPSC Plan required by this permit.

2. A copy of the authorized EPSC Plan shall be on-site during normal working hours from the date of commencement of construction activities to the date of final stabilization. EPSC Plans shall be made available upon request by DEC representatives.

3. The OSPC shall have a copy of the EPSC Plan and all amendments available at a central location on-site for the use of all those identified as having responsibilities under the EPSC Plan whenever they are on the construction site.

4. The permittee shall post a Notice of Authorization, provided by the Secretary, demonstrating authorization under this permit. The notice shall be placed near the construction entrance at a location visible to the public.

Part IV. EPSC Specialist Oversight

EPSC Specialist

1. In addition to the regular inspections required under Part III.A., the permittee shall designate an EPSC Specialist who will be responsible for performing environmental inspections during the project; confirming water resources protection throughout the project, and for related record keeping. The name, address, telephone number, and basic qualifications of the person shall be provided to DEC for approval before the commencement of construction. This person shall not be the OSPC.

2. The EPSC Specialist shall determine, confirm, and report whether the EPSC Plan is being followed and that appropriate revisions are being made to the EPSC Plan when the EPSC Plan proves inadequate. In addition, the EPSC Specialist shall, in conjunction with the OSPC bear the responsibility of reviewing the site to ensure compliance with the approved EPSC Plan and to direct corrective action in accordance with Part III.B of this permit.

3. The EPSC Specialist shall notify the contractor when changes in practice are necessary to comply with the EPSC Plan and the terms and conditions of this permit. The EPSC Specialist shall be responsible for inspections, photo documentation, and record keeping and shall, biweekly during earth disturbance activities, file with DEC a report outlining:
   a. Construction status;
   b. EPSC practices installed and removed since last report;
   c. New measures undertaken subsequent to the prior report;
   d. Erosion problems encountered and how and when resolved;
   e. Status of the project in terms of consistency with the planned construction sequence;
   f. Description, including location and total area (acres), of disturbed land at the time of the inspection;
   g. Description of areas temporarily or permanently stabilized since the last inspection record;
   h. Changes in the EPSC Plan that are required (including submission for authorization from DEC, when necessary);
   i. When dewatering is underway, discussion and photographs of measures being utilized for treatment, and turbidity monitoring results in conformance with Part III.H of this permit;
   j. Photographs of areas stabilized since the prior report;
   k. Photographs of all disturbed areas;
   l. Photographs of receiving water(s) at turbidity monitoring location(s); and
   m. All turbidity monitoring results collected since prior report in accordance with Subpart III.B of this permit.

4. In advance of the start of construction, the EPSC Specialist shall present to DEC for approval the proposed reporting format. Construction may not commence prior to DEC's written approval of the reporting format and schedule. Bi-weekly reports shall be submitted by the Wednesday, or as soon as responsibly possible, following the end of the bi-weekly period. EPSC Specialist reports shall be filed via mail with:

   Department of Environmental Conservation
   Watershed Management Division
   Stormwater Management Program
   Main Building, Second Floor
   One National Life Drive
   Montpelier, VT 05620-3522

   Or, via email to the appropriate Stormwater Management Program representative.

5. Each inspection report shall be prepared in consultation with the OSPC, shall include a review of the OSPC's inspection reports since the last inspection period, and shall be signed by the EPSC Specialist.

Part V. Transfers of Permit, Co-Permittees, and Termination

A. Transfer of Permit Coverage

1. A transfer of this permit may occur only in connection with the transfer of the entire construction site to a new owner.

2. A Notice of Transfer must be submitted to the Secretary not later than thirty (30) days prior to the transfer and shall include the following:

   a. The name and address of the present permittee;

b. The name and address of the prospective permittee;
c. The proposed date of transfer; and
d. A statement signed by the prospective permittee, stating that:
   i. The conditions of the facility operation that contribute to, or affect, any discharge will not be materially different under the new ownership;
   ii. The prospective permittee has read and is familiar with the terms of the permit and agrees to comply with all the terms and conditions of the permit; and
   iii. The prospective permittee has adequate funding or other means to effect compliance with all the terms of the permit.

B. Adding or Terminating Co-Permittees

1. An owner or principal operator may be added as a co-permittee by filing a Notice of Addition of Co-Permittee form with the Secretary. The Co-Permittee shall be subject to all the terms and conditions of this permit and the EPSC Plan.

2. If the owner of the construction site obtains coverage under this permit and the owner is not the principal operator or the sole principal operator, then all principal operators shall obtain coverage as co-permittees in accordance with this Subpart prior to the commencement of construction activities.

3. A co-permittee may be terminated as a Co-Permittee by filing a Notice of Termination of Co-Permittee form on a form provided by the Secretary. The Co-Permittee shall only be terminated from the permit upon approval by the Secretary.

C. Notice of Termination for Portions of an On-going Construction Site

1. A permittee may submit a Notice of Termination (NOT) for a portion of the on-going construction project in the following instances:
   a. When final stabilization has been achieved on the portion of the site for which termination is sought;
   b. When title to a portion of the construction site has been transferred to a new owner and the new owner has obtained separate coverage under an individual construction permit or DEC's General Permit 3-9020 for Stormwater Runoff from Construction Sites (Amended 2008) or its replacement;
   c. When another operator has assumed control over the portion of the site for which termination is sought and the new operator has obtained coverage under an individual construction permit or DEC's General Permit 3-9020 for Stormwater Runoff from Construction Sites (Amended 2008) or its replacement;
   d. For residential construction only, temporary stabilization has been completed and the residence has been transferred to the homeowner.

2. To obtain a notice of termination for a portion of an on-going construction site, the permittee shall follow the requirements of Part V.E of this permit.

D. Notice of Termination for the Entire Construction Site

1. The permittee may submit a NOT for the entire construction site in the following instances:
   a. Final stabilization has been achieved on the entire construction site for which the permittee is responsible;
   b. Another operator has assumed control over all areas of the site that have not been finally stabilized and has obtained permit coverage; or
   c. Coverage under an individual or DEC's General Permit 3-9020 for Stormwater Runoff from Construction Sites (Amended 2008) or its replacement has been obtained.

2. To obtain a notice of termination for the entire construction site, the permittee shall follow the requirements of Part V.E of this permit.

E. Submitting a Notice of Termination

1. A permittee shall submit a complete and accurate NOT, on a form provided by the Secretary.

2. A NOT shall include, at a minimum, the following information:
   a. The permit number for which termination is sought;
   b. The basis for submission of the NOT;
   c. The owner's and operator's name, address and telephone number;
   d. The name of the project and address (or a description of location if no street address is available) of the construction site for which the notification is submitted;
   e. A certification statement, signed and dated by the OSPC and by an authorized representative as defined in the signature requirements in Part VIII.I, and the name and title of that authorized representative; and
   f. If the NOT is for only a portion of an ongoing construction project, a description of the portion of the site to which the NOT will apply and a plan showing the boundaries of this portion.

Part VI. Violation of Permit Requirements; Enforcement

The permittee shall comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of 10 V.S.A. Chapter 47 and the federal Clean Water Act, and is grounds for an enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

Part VII. Appeals

1. Renewable Energy Projects – Right to Appeal to Public Service Board

Any appeal of this decision must be filed with the clerk of the Vermont Public Service Board pursuant to 10 V.S.A. §8506 within 30 days of the date of this decision. The appellant must file with the Clerk an original and six copies of its appeal. The appellant shall provide notice of the filing of an appeal in accordance with 10 V.S.A. §8504(c)(2), and shall also serve a copy of the Notice of Appeal on the Vermont Department of Public Service. For information, see the Rules and General orders of the Public Service Board available on line at www.psb.vermont.gov. The address for the Public Service Board is 112 State Street Montpelier, Vermont 05620-2701 (Telephone #802-828-2358).

2. All Other Projects – Right to Appeal to Environmental Court

Pursuant to 10 V.S.A. Chapter 220, if this decision relates to all other projects, any appeal of this decision must be filed with the clerk of the Environmental Court within 30 days of the date of the decision. The appellant must attach to the Notice of Appeal the entry fee of $250.00 payable to the State of Vermont. The Notice of Appeal must specify the parties taking the appeal and the statutory provision under which each party claims party status; must designate the act or decision appealed from; must name the Environmental Court; and must be signed by the appellant or their attorney. In addition, the appeal must give the address or location and description of the property, project or facility with which the appeal is concerned and the name of the applicant or any permit involved in the appeal. The appellant must also serve a copy of the Notice of Appeal in accordance with Rule 5(b)(4)(B) of the Vermont Rules for Environmental Court Proceedings. For additional information, see the Vermont Rules for Environmental Court Proceedings, available online at

www.vermontjudiciary.org or call (802) 951-1740. The address for the Environmental Court is 32 Cherry Street, 2nd Floor Suite 303, Burlington, Vermont 05401.

Part VIII. Standard Permit Conditions

A Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

B. Limitations

1. This permit conveys no vested rights or exclusive privileges. The permit conveys no title to land nor authorizes any injury to public or private property. The permit does not authorize infringement of any applicable federal, state or local laws or regulations nor obviate the necessity of obtaining such additional permits as may be required.

2. Nothing in this permit shall be construed as having relieved, modified, or in any manner affected the permittee's ongoing obligation to comply with all other federal, state or local statutes, regulations or directives applicable to the permittee in the operation of its business, nor does it relieve the permittee of the obligation to obtain all necessary federal, state and local permits.

C. Prohibitions

1. This permit does not relieve any person of the federal reporting requirements of 40 CFR Part 110, 40 CFR Part 117 and 40 CFR Part 302 relating to spills or other releases of oils or hazardous substances. This permit does not authorize the discharge of hazardous substances or oil resulting from an on-site spill.

2. If a release in excess of reportable quantities occurs, the permittee must modify the EPSC Plan required under Part III within 7 calendar days of knowledge of the release to: provide a description of the release, the circumstances leading to the release, and the date of the release. The EPSC Plan must identify measures to prevent the reoccurrence of such releases and to respond to such releases.

3. Discharges of any material other than stormwater, such as vehicle and equipment maintenance spills, fuels, wash water, construction debris, oil, wet concrete (including washout water from concrete batch trucks or equipment used to mix concrete), and other substances are prohibited.

4. Sediments and other pollutants collected and removed in the course of treatment of stormwater runoff shall be disposed in a manner that will not result in the sediments and pollutants entering waters of the State.

D. Right of Entry

The permittee shall allow the Secretary and his/her authorized representatives, at reasonable times, and upon presentation of credentials, to enter upon and inspect the property on which the construction activities are occurring and to sample any construction-related discharges and to have access to and copy any records required to be kept pursuant to this permit.

E. Historic Properties

Each permittee must comply with any applicable state and local laws concerning the protection of historic properties and places.

F. Retention of Records

Copies of the EPSC Plan, all amendments thereto, and all documentation required by this permit, including records of all data used to complete the NOI to be covered by this permit, must be retained for at least three years from the date that permit coverage expires or is terminated. This period may be extended by request of the Secretary at any time.

G. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

H. Duty to Mitigate

A permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

I. Signatory Requirements

1. All applications must be signed as follows:
   a. For a corporation: by a responsible corporate officer. For the purposes of this section, a responsible corporate officer means:
      i. A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation;
      ii. The manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
   b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
   c. For a municipality, State, Federal or other public agency: by either a principal executive officer or a ranking elected official. For purposes of this section, a principal executive officer of a Federal Agency includes: the chief executive officer of the agency or a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

2. All reports required by this permit, including but not limited to EPSC Plans, must be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if the authorization is made in writing by a person described above. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. A duly authorized representative may thus be

either a named individual or any individual occupying a named position. The signed and dated written authorization must be included in the EPSC Plan. A copy must be submitted to DEC, if requested.

3. Any person signing documents required under the terms of this permit must include the following certification:
"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

J. Duty to Reapply

If a discharge from the construction site is anticipated to continue after the expiration date of this permit, the permittee must reapply for coverage under a new permit sixty (60) days prior to the expiration date of this permit.

K. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control which are installed or used by the permittee to achieve compliance with the conditions of this permit.

L. Notice of Planned Changes

The permittee shall give notice to the Secretary as soon as possible of any planned physical alterations to the permitted facility.

M. Notice of Anticipated Noncompliance

The permittee shall give advance notice to the Secretary of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

N. Duty to Provide Information

The permittee shall furnish to the Secretary, within a reasonable time, any information which the Secretary may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine noncompliance with this permit. The permittee shall also furnish to the Secretary upon request, copies of records to be kept pursuant to this permit. Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in a report to the Secretary, it shall promptly submit such facts or information.

O. Penalty for Permit Violation

10 V.S.A. Section 1275(a) provides that:
Any person who violations any provision of this subchapter or who fails, neglects or refuses to obey or comply with any order or the terms of any permit issued in accordance with this subchapter, shall be fined not more than $25,000.00 or imprisoned not more than six months, or both. Each violation may be a separate offense and, in the case of a continuing violation, each day's continuance may be deemed a separate offense.

10 V.S.A. Section 8010(c) provides that:

A penalty of not more than $42,500 may be assessed for each determination of a separate violation. In addition, if the secretary determines that a violation is continuing the secretary may assess a penalty of not more than $17,000.00 for each day the violation continues. The maximum amount of penalty assessed under this subsection shall not exceed $170,000.00.

P. Penalty for False Statement

10 V.S.A. Section 1275(b) provides that:
Any person who knowingly makes any false statement, representation or certification in any application, record, report, plan, or other document filed or required to be maintained under this subchapter, or by any permit, rule, regulation or order issued under this subchapter, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this subchapter or by any permit, rule, regulation, or order issued under this subchapter, shall upon conviction, be punished by a fine of not more than $10,000.00 or by imprisonment for not more than six months, or by both.

Q. Severability

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

R. Monitoring

Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

S. Twenty-four hour reporting

Unless provided otherwise by this permit, the permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

Part X. Effective Date of Permit and Permit Term

This permit shall become effective upon signing and shall expire five (5) years from the date of signing.

Signed this 13th day of August, 2015

Alyssa Schuren, Commissioner
Department of Environmental Conservation

By: _____

Environmental Analyst