

Vermont Department of Environmental Conservation

Water Quality Division

103 South Main Street, Building 10 North

Waterbury, VT 05671-0408

Agency of Natural Resources

[phone] 802-241-3770

[fax] 802-241-3287

March 16, 2010

University Mall
155 Dorset Street
South Burlington, VT 05403**Re: National Pollutant Discharge Elimination System (NPDES) General Permit 3-9030
for Designated Discharges to the Bartlett, Centennial, Englesby, Morehouse and Potash
Brook Watersheds****Authorization of Notice of Intent # 6285-9030**

Dear University Mall,

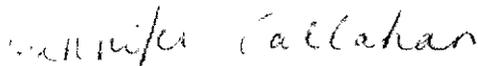
The Department of Environmental Conservation has received the Notice of Intent (NOI) to seek coverage under the General Permit 3-9030. A ten-day comment period was provided after the NOI submittal. One set of public comments was received during the ten-day public comment period. The Department has provided a response to the comments received in a Response Summary issued in conjunction with the authorization.

Enclosed is your copy of an Authorization to Discharge pursuant to General Permit 3-9030, which has been signed by the Stormwater Program Manager on behalf of the Commissioner of the Department of Environmental Conservation.

This authorizes the discharge of stormwater from Ridgewood / Indian Creek Condominiums located on the NW corner of Dorset and Swift Streets in South Burlington, Vermont to Potash Brook. To maintain coverage under General Permit 3-9030, an Engineering Feasibility Analysis must be conducted and submitted to VTDEC in accordance with Appendix A of the permit by **June 30, 2011**.

Please read this Authorization to Discharge carefully and note the terms, conditions and eligibility provisions of General Permit 3-9030. If you have any questions, please call the Stormwater Section at (802) 241-3770.

Sincerely,

Jennifer Callahan
Environmental Analyst
Stormwater Program

Cc: Daniel Connelly, 911 Dorset Street, Apt. 15, South Burlington, VT 05403

For Department Use:

NOI Number: 6285-9030

Notice of Intent (NOI)
for Designated Discharges
Under National Pollution Discharge Elimination
General Permit 3-9030



For Category IV.A and IV.B Stormwater Discharges (Discharges from Residually Designated Sites from property with existing impervious surfaces that are subject to a previously issued state stormwater permit and property with existing impervious surfaces equal to or greater than one acre that do not have a previously issued state stormwater permit.)

A. Landowner Information

1. Name: Ridgewood Estates Homeowners Association c/o Bruce Erwin, President
Indian Creek Homeowners Association c/o Donna Seymour, President

2. Mailing Address:

a. Street/PO Box: (Ridgewood) 14 Arlington Green, (Indian Creek) 911 Dorset St. Apartment 53

b. City/Town: South Burlington

c. State: Vermont

d. Zip: 05403

3. Contact Information:

a. Phone: (LHINC) 658-2100

b. Fax: 658-2882

c. Email: msc@lhinc.net / lal@lhinc.net

B. Project Information

1. Project Name: Stormwater System Improvements for Ridgewood / Indian Creek Condominiums.
CWSRF#AR1-070

2. Is this NOI being submitted in connection with a subdivision (e.g. residential or commercial subdivisions, condominiums and industrial parks)?: Yes No

3. If Yes, Name of Development: Ridgewood & Indian Creek Homeowners Associations

4. Location Address

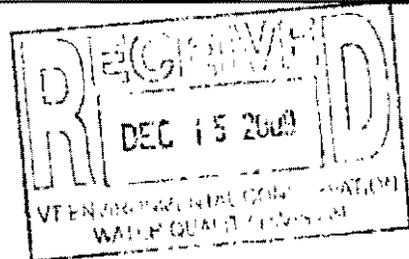
a. Street: NW corner of Dorset and Swift Streets

b. City/ Town: South Burlington, Vermont

5. Name(s) of receiving waters: Potash Brook

6. Existing VTDEC Stormwater Permit Number related to this project (if any): 1-0239

7. Act 250 Permit Number (if any): 4C0161



C. Certification Relating to the Accuracy of the Information Submitted

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 diligent inquiry of the person or persons who manage the system or actions required by this permit, 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.

Landowner Name: Donna Seymour Title: President of EC
Signature: *Donna Seymour* Date: 12/11/09

D. Public Notice Requirement

You must provide a copy of this completed NOI form to the municipal clerk for posting in the municipality in which the discharge is to be located. If the project and the related discharge(s) are located in different municipalities, then the completed NOI shall be filed with the municipal clerk in each municipality.

E. RECORDING REQUIREMENTS UPON ISSUANCE

The permittee shall file a copy of this NOI and authorization to discharge in the land records within fourteen (14) days of its issuance and a copy of the recording shall be provided to the Department within fourteen (14) days of the permittee's receipt of a copy of the recording from the local land records.

For Department Use Only:

AUTHORIZATION

VERMONT DEPARTMENT OF ENVIRONMENTAL CONSERVATION AUTHORIZATION TO DISCHARGE

A determination has been made that the applicant meets the requirements for coverage under General Permit 3-9030. Subject to the conditions of General Permit No. 3-9030, the applicant is hereby authorized to discharge stormwater runoff as described in this Notice of Intent Number _____-9030.

This authorization shall continue until November 19, 2014. The permittee shall reapply for coverage at least (60) days prior to the expiration of the permit.

Dated at Waterbury, Vermont this _____ day of _____, 20 _____.

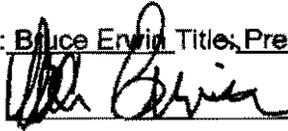
Justin G. Johnson, Commissioner Department of Environmental Conservation

By _____
Padraic Monks
Program Manager, Stormwater Section

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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 diligent inquiry of the person or persons who manage the system or actions required by this permit, 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.

Landowner Name: Bruce Erwin Title: President, Ridgewood Estates Homeowners Association

Signature:  Date: 12/14/09

D. Public Notice Requirement

You must provide a copy of this completed NOI form to the municipal clerk for posting in the municipality in which the discharge is to be located. If the project and the related discharge(s) are located in different municipalities, then the completed NOI shall be filed with the municipal clerk in each municipality.

E. RECORDING REQUIREMENTS UPON ISSUANCE

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For Department Use Only:

AUTHORIZATION

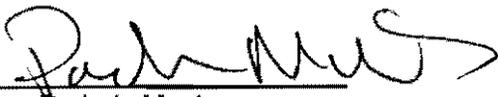
VERMONT DEPARTMENT OF ENVIRONMENTAL CONSERVATION AUTHORIZATION TO DISCHARGE

A determination has been made that the applicant meets the requirements for coverage under General Permit 3-9030. Subject to the conditions of General Permit No. 3-9030, the applicant is hereby authorized to discharge stormwater runoff as described in this Notice of Intent Number 6285-9030.

This authorization shall continue until November 19, 2014. The permittee shall reapply for coverage at least (60) days prior to the expiration of the permit.

Dated at Waterbury, Vermont this 16th day of March, 2010.

Justin G. Johnson, Commissioner Department of Environmental Conservation

By 
Padraic Monks
Program Manager, Stormwater Section

PUBLIC COMMENT

Public comments concerning this Notice of Intent to discharge under General Permit No 3-9030 are invited and must be submitted within 10 days of receipt of the NOI being posted on DEC's stormwater website (www.vtwaterquality.org/stormwater.htm) and on the Agency's Environmental Notice Bulletin (www.anr.state.vt.us/dec/enb/enb.htm). Comments should address how the application complies or does not comply with the terms and conditions of General Permit No. 3-9030. A letter of interest should be filed by those persons who elect not to file comments but who wish to be notified if the comment period is extended or reopened for any reason. All written comments received within the time frame described above will be considered by the Department of Environmental Conservation in its final ruling to grant or deny authorization to discharge under General Permit No. 3-9030.

Send written comments to:

VT Department of Environmental Conservation
Water Quality Division, Stormwater Section
103 South Main Street, Building 10 North
Waterbury, VT 05671-0408

Please cite the NOI number in any correspondence.

APPEALS

Pursuant to 10 V.S.A. Chapter 220, 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 further information, see the Vermont Rules for Environmental Court Proceedings, available on line at www.vermontjudiciary.org. The address for the Environmental Court is 2418 Airport Road, Suite 1, Barre, VT 05641 (Tel. # 802-828-1660). A copy of General Permit No. 3-9030 may be obtained by calling (802) 241-3770; by visiting the Department at the above address between the hours of 7:45 am and 4:30 pm; or by downloading from the Water Quality Division's Web site at www.vtwaterquality.org.

INFORMATION FOR MUNICIPAL CLERK: Title 10 Chapter 47 §1263(b) provides for the public notice of an applicant's intent to discharge stormwater runoff associated with construction activity. Please post this notice and instruction sheet in a conspicuous place for 10 days from the date received. If you have any questions, contact the Water Quality Division of the Department of Environmental Conservation at (802) 241-3770. Please date this below as to when it was posted. Thank you for your assistance.

DATE OF POSTING: 12/15/2009

Submit Original Form to:
VT DEC, Water Quality Division
103 South Main Street, Bldg 10 North
Waterbury, VT, 05671

Vermont Agency of Natural Resources

Department of Environmental Conservation

WATER QUALITY DIVISION

103 South Main Street

Building 10 North

Waterbury, VT 05671-0408

FAX 802-241-3287

TEL 802-241-3770

**RESPONSE SUMMARY FOR
DRAFT DISCHARGE PERMIT #6285-9030
Re: Proposed Residual Designation Permit for
Ridgewood and Indian Creek Condominiums
South Burlington, Vermont**

The above referenced draft permit authorizes the discharge of stormwater runoff from the Ridgewood and Indian Creek Condominiums to Potash Brook. The subject property is located at the intersection of Dorset Street and Swift Street in South Burlington, Vermont.

The Notice of Intent (NOI #6285-9030) was placed on notice for public comment from December 15, 2009 through December 24, 2009. The Stormwater Program received one set of comments on the Residual Designation General Permit 3-9030 application for the Ridgewood and Indian Creek Condominiums.

The following is a summary of the comments relevant to this draft discharge permit and the Department's responses to those comments. Some of the comments were paraphrased and edited for clarity and combined where appropriate.

1. **Comment:** The Notice of Intent improperly requests authorization for two physically separate discharges, discharges which have been separately designated by VT DEC and for which there is no process for aggregation under the General Permit.

Response: The Department considers the Ridgewood and Indian Creek Condominiums to be part of a common plan of development due to the following:

- In the document "Final Designations, November 19, 2009," published as a supporting material for General Permit 3-9030 both Ridgewood and Indian Creek are listed as being previously covered under one state general permit (1-0239).
- Records indicate that the intent of the previous state permit (1-0239) includes coverage of phase III (Indian Creek) of the development.

- The Department has received numerous Notices of Deferral of Permit for permit 1-0239 from residents of both Ridgewood and Indian Creek.
- Ridgewood and Indian Creek applied jointly for Act 250 permit #4C0161-10

Therefore, the Department has determined that Ridgewood and Indian Creek Condominiums are eligible for General Permit 3-9030 permit coverage under a single Notice of Intent.

2. **Comment:** The Notice of Intent references Act 250 permit number 4CO161 whose recorded "Stormwater Improvement Plan" fails to provide the stormwater treatment standards of the General Permit.

Response: Part IV A.1 of General Permit 3-9030 states: "If the Secretary or MS4 authority has approved an Engineering Feasibility Analysis (EFA) for the subject property prior to the effective date of this permit, then the permittee shall resubmit that analysis in lieu of conducting an analysis in accordance with Appendix A." The Department approved the EFA for the subject property prior to the effective date of this permit. The subject NOI therefore complies with General Permit 3-9030.

3. **Comment:** The Notice of Intent fails to state the correct legal names of the operators of the separate properties.

Response: It is the applicant's obligation to provide the correct names and officers. The applicant has been made aware of the allegation and has not revised the information on the Notice of Intent. Therefore the Department considers this information to be correct.

4. **Comment:** The Notice of Intent does not bear the signature the required corporate officer nor of any person holding overall responsibility.

Response: See response to comment #3.