



# Notice of Intent (NOI) - Amendment

for Stormwater Discharges from  
Municipal Separate Storm Sewer Systems (MS4)  
General Permit 3-9014

For Dept. Use Only  
**Notice of Intent No:**

Submission of this Notice of Intent (NOI) constitutes notice that the entity in Section A intends to be authorized to discharge pollutants to waters of the State under Vermont's Municipal Separate Storm Sewer Systems (MS4) permit. Submission of the NOI also constitutes notice that the party identified in Section A of this form has read, understands and meets the eligibility conditions; agrees to comply with all applicable terms and conditions; and understands that continued authorization under the MS4 General Permit is contingent on maintaining eligibility for coverage. In order to be granted coverage, all information required on this form and the Minimum Control Measure attachments must be completed and a complete Stormwater Management Program (SWMP) Plan must be submitted.

## A. Permittee Information

Name of MS4: Vermont Agency of Transportation

Name of Principle Executive Officer (PEO) or Chief Elected Official (CEO): Scott Rogers Title: Director of Operations

Mailing Address:  
Street/P.O. Box: One National Life Drive

City/Town: Montpelier State: VT Zip: 05633

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

## B. Primary contact responsible for overall coordination of SWMP, if different than PEO/CEO

Name: Jennifer Callahan

Mailing Address:  
Street/P.O. Box: One National Life Drive

City/Town: Montpelier State: VT Zip: 05633

Phone: 802-498-4947 Email: jennifer.callahan@vermont.gov

## C. Partnering organization responsible for Minimum Control Measure implementation (if applicable)

If you are participating in the CCRPC MOU to implement MCM1 &/or MCM2 check here:  MCM 1  
Or, if you are relying on another entity to implement a MCM, please complete the following:  MCM 2

Organization: \_\_\_\_\_ Contact: \_\_\_\_\_

Minimum Control Measure being implemented: \_\_\_\_\_

Mailing Address:  
Street/P.O. Box: \_\_\_\_\_

City/Town: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Organization: \_\_\_\_\_ Contact: \_\_\_\_\_

Minimum Control Measure being implemented: \_\_\_\_\_

Mailing Address:  
Street/P.O. Box: \_\_\_\_\_

City/Town: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

**D. Municipal Separate Storm Sewer System (MS4) Information**

Estimate of the square mileage served by the MS4: 2.285

Identify the names of all know waters that receive a discharge from the MS4:

Receiving water	# of outfalls	Impaired status	Nature of impairment
See attached		<input type="checkbox"/> Yes <input type="checkbox"/> No	
		<input type="checkbox"/> Yes <input type="checkbox"/> No	
		<input type="checkbox"/> Yes <input type="checkbox"/> No	
		<input type="checkbox"/> Yes <input type="checkbox"/> No	
		<input type="checkbox"/> Yes <input type="checkbox"/> No	
		<input type="checkbox"/> Yes <input type="checkbox"/> No	
		<input type="checkbox"/> Yes <input type="checkbox"/> No	
		<input type="checkbox"/> Yes <input type="checkbox"/> No	

**E. Stormwater Impaired Waters Information**

Does the MS4 discharge into a stormwater impaired water?  Yes  No

If yes, the MS4 must comply with all requirements listed in Part IV.C. of the permit, including the requirement to develop a Flow Restoration Plan (FRP) for the stormwater impaired water.

**F. Incorporation of Previously Permitted Stormwater Systems**

As part of this application, is the MS4 incorporating a stormwater system that was previously authorized under a State stormwater permit?  Yes  No

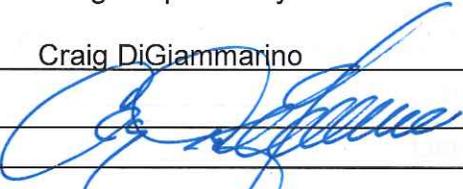
If yes, the MS4 must complete and attach an MS4 Incorporation Form for each permit it is incorporating. List permit numbers here: 6300-INDS.R, 6019-9010, 5625-9010, 3012-9010.R, and 1-1291

**G. Certification**

This NOI shall be signed by a principal executive officer, ranking elected official or other duly authorized employee consistent with 40 CFR §122.22(b) and certified as follows:

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 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.

Name: Craig DiGiammarino Title: MOB Environmental Program Manager

Signature:  Date: 9/29/16

**Submit this Original form to:**  
MS4 Permit Coordinator  
VTDEC · Watershed Management Division  
Stormwater Management Program  
One National Life Drive  
Montpelier, Vermont 05620-3522

## Instructions for Public Comment, Public Hearings, and Appeals

### PUBLIC COMMENT

Public comments concerning this Notice of Intent to discharge under General Permit No 3-9014 and the accompanying Stormwater Management Plan (SWMP) are invited and must be submitted during the public notice period. Comments should address how the application complies or does not comply with the terms and conditions of General Permit No. 3-9014. 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. 3-9014.

All submitted NOIs and SWMPs can be found on the Stormwater Program's website at:  
<http://dec.vermont.gov/watershed/stormwater/permit-information-applications-fees/ms4-permit>

Send written comments to: VT DEC, Watershed Management Division  
Stormwater Management Program, MS4 Permit Coordinator  
One National Life Drive  
Montpelier, VT 05620-3522

### PUBLIC HEARING REQUEST

During the notice period, any person may submit a written request to this office for a public hearing to consider the proposed permit authorization. The request must state the interest of the party filing such request and the reasons why a hearing is warranted. A hearing will be held if there is a significant public interest (including the filing of requests or petitions for such hearing) in holding such a hearing. If the Secretary determines that useful information and data may be obtained thereby, the Secretary may hold a public hearing any time prior to the issuance of the authorization. Notice of a public hearing will be circulated 30 days prior to the hearing. (40 C.F.R. § 124.12 and Vermont Water Pollution Control Permit Regulations, Chapter 13.3G)

### 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](http://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. 3-9014 may be obtained by calling (802) 490-6173; by visiting the Department at the above address between the hours of 7:45 am and 4:30 pm; or by downloading from the Watershed Management Division's Web site at <http://dec.vermont.gov/watershed/stormwater>.



## MS4 Incorporation Form for State Issued Stormwater Permits

Please complete this form for each previously issued state stormwater permit that the MS4 plans to incorporate into the MS4 authorization. The stormwater management practices associated with the permit listed below shall be listed in the MS4's Stormwater Management Program (SWMP) under Minimum Control Measure 5, Post-Construction Stormwater Management.

1. Stormwater System Name: Shelburne - S. Burl US7 Shelburne Rd- impaired

2. Location: Route 7, Shelburne, VT

3. Stormwater Permit Number: 1-1291

4. Current Permit Status: (Issued, Expired, Title 3) Title 3

5. Narrative Describing the Stormwater System: The drainage system covered by this permit is comprised of catch basin, culverts, vegetated swales, stone lined swales, and a detention basin. The water from the site discharges to Munroe Brook and Bartlett Brook.

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6. Current Compliance Status:

Compliant with previously issued state permit

Planned compliance within 24 mos; Estimated Compliance Date: \_\_\_\_\_

Not constructed – plan for construction as part of FRP; Estimated construction schedule:

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Substantially deteriorated – plan for construction as part of FRP; Estimated construction schedule: \_\_\_\_\_

7. Plans (for expired permits, list plan numbers and attach):

F-EGC-019-4 Sheets 1-12 dated 2/11/1997

8. Proof of Legal Responsibility (list and attach):

Title 3 coverage under Post Construction Stormwater Discharge Permit. (see original permit attached)

STATE OF VERMONT  
AGENCY OF NATURAL RESOURCES  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

DISCHARGE PERMIT

STORMWATER RUNOFF TO WATERS OF THE STATE

In compliance with provisions of 10 V.S.A. §1263 and §1264 and in accordance with "Terms and Conditions" hereinafter specified,

State of Vermont Agency of Transportation  
20 Kimball Avenue  
Suite 303N  
South Burlington, VT 05403-5805

the permittee, is hereby granted permission to discharge stormwater runoff from Route 7 (Shelburne Road) in Shelburne and South Burlington, VT from approximately the LaPlatte River bridge in Shelburne to the intersection of Imperial Drive in South Burlington to the LaPlatte River, Munroe Brook, and Bartlett Brook. This permit is a renewal of Discharge Permit #1-1291.

1. Expiration Date: Five years from issuance date of final permit. Note: This permit, unless revoked, modified or suspended, shall be valid until the designated expiration date notwithstanding any intervening change in water quality, effluent, or treatment standards, or classification of the receiving waters including groundwater. 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 and §1264.

The permittee shall reapply for a renewed discharge permit ninety days prior to the expiration date.

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

The Secretary may revoke, modify or suspend this permit if it is found that the permittee submitted false or inaccurate information in its application or has violated any requirement, restrictions, or condition of this permit, or if there is any change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge. The Secretary shall impose conditions as the Secretary deems necessary for regulating the discharges of a permittee whose permit has been revoked, modified or suspended. Revocation shall be effective upon actual notice thereof to the permittee.

3. Transfer of Permit: This permit is not transferable without prior written approval of the Secretary. Provided all applicable fees under 3 V.S.A. §2822 have been paid, a permittee may transfer this permit by submitting a notice of transfer to the Secretary. The notice shall be

submitted at least thirty (30) days prior to the proposed date of transfer. The notice shall state that the prospective permittee has adequate funding to comply with this permit. The permittee shall provide a copy of this permit to the new owner or tenant and inform him of the 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.

4. Right of Entry: The permittee shall allow the Secretary, or his or her authorized representatives, at reasonable times, upon presentation of credentials, to enter upon and inspect the permitted premises and the stormwater collection, treatment and control system and to sample any discharge to determine compliance with this permit and to have access to and inspect and copy any records required to be kept pursuant to this permit.
5. Receiving Waters: LaPlatte River, Munroe Brook, and Bartlett Brook.
6. Manner of Discharge:
  - S/N 001: (Station 247+20) Stormwater runoff from the roadway from approximately station 247 to 251, collected in a catch basin, then discharging through a vegetated swale to the LaPlatte River.
  - S/N 002: (Station 250+54) Stormwater runoff from the roadway from approximately station 251 to 263, collected in catch basins, then discharging through a vegetated swale to the LaPlatte River.
  - S/N 003: (Station 261+50) Stormwater runoff from the roadway from approximately station 263 to 271, collected in catch basins and swales, then discharging through a vegetated swale to an existing culvert then to the LaPlatte River.
  - S/N 004: (Station 279+85) Stormwater runoff from the roadway from approximately station 271 to 279, collected in catch basins, then discharging to a vegetated swale, then discharging to Munroe Brook.
  - S/N 005: (Station 292+65) Stormwater runoff from the roadway from approximately station 279 to 300, collected in catch basins, then discharging to a vegetated swale, then to Munroe Brook.
  - S/N 006: (Station 310+04) Stormwater runoff from the roadway from approximately station 301 to 310, collected in catch basins, then discharging to a vegetated swale, then overland to Munroe Brook.
  - S/N 007: (Station 316+12) Stormwater runoff from the roadway from approximately station 311 to 319, collected in catch basins, then discharging to a vegetated swale, followed by a stone-lined swale discharging to Munroe Brook.
  - S/N 008: (Station 320+00) Stormwater runoff from the roadway from approximately station 318 to 324, collect in catch basins, then discharging to a vegetated swale, followed by a stone-lined swale discharging to Munroe Brook.
  - S/N 009: (Station 324+05) Stormwater runoff from the roadway from approximately station 324 to 356, collected in catch basins, to a detention basin, then discharging via controlled outlet structure to a stone-lined swale then to Munroe Brook.
  - S/N 010: (Station 359+90) Stormwater runoff from the roadway from approximately station 356 to 366, collected in catch basins that discharge to a stone-lined swale then overland to Lake Champlain.
  - S/N 011: (Station 376+13) Stormwater runoff from the roadway from approximately station 366 to 376, collected in catch basins that discharge to a stone-lined swale then a vegetated swale, then overland to Lake Champlain.

- S/N 012: (Station 383+83) Stormwater runoff from the roadway from approximately station 376 to 383, collected in catch basins that discharge to a stone-lined swale then a vegetated swale, then overland to Lake Champlain.
- S/N 013: (Station 391+12) Stormwater runoff from the roadway from approximately station 383 to 391, collected in catch basins that discharge to a vegetated swale then, then overland to Bartlett Brook.
- S/N 014: (Station 398+24) Stormwater runoff from the roadway from approximately station 391 to 397, collected in catch basins that discharge to a vegetated swale, then to Bartlett Brook.
- S/N 015: (Station 406+48) Stormwater runoff from the roadway from approximately station 397 to 417, collected in catch basins that discharge to a vegetated swale, then to Bartlett Brook.
- S/N 016: (Station 417+70) Stormwater runoff from the roadway from approximately station 417 to 429, collected in catch basins that discharge to a vegetated swale, then to Bartlett Brook.

7. Wastes Permitted: Stormwater runoff from S/N 001 through S/N 016 after treatment from overland flow across vegetated terrain, flow through vegetated swales, and treatment and control via a detention basin.
8. Volumes Permitted and Frequency of Discharge: Such volumes and frequency as required by the discharge specified in #7 above.
9. Approved Project Design: This project shall be constructed and operated in accordance with the Agency of Transportation site plans Sheets 1 through 12, dated 2/11/97, and detail sheets 1 and 2 dated 2/11/97, and other supporting information.

By reference, the above noted plans are made a part of this permit.

10. Maintenance and Maintenance Reporting Requirements:
- a. The basins, swales, and related stormwater collection, treatment and control system shall be maintained in good operating condition at all times and **shall be inspected biannually and cleaned as necessary to maintain design specifications.** The inspections shall include one in the spring after snowmelt, and one in the fall prior to snow fall.
  - b. Any sediment removed from the swales or basins shall be disposed of properly in accordance with state and federal statutes and regulations.
  - c. **By September 30 of each year the permittee shall submit a written report to the Department of Environmental Conservation, Water Quality Division, Building 10 North, 103 South Main Street, Waterbury, Vermont 05671-0408. This report shall include, at a minimum:**
    - i. the dates and details of any cleaning and maintenance operations carried out in

- the preceding year;
- ii. a narrative summarizing the results of any inspections conducted in the preceding year and highlighting any stormwater related problems encountered, and all remedial steps taken in response;
  - d. Should any erosional problems occur, the permittee is required to immediately correct any such problems.
  - e. 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.
11. Personnel and Training Requirements: Such personnel and training as necessary to fulfill the requirements of #10 above.
12. Monitoring and Reporting Requirement: No monitoring required; reporting requirement as specified in #11 above.
13. Other Requirements:
- a. Treated stormwater runoff is the only waste authorized for disposal under the terms and conditions of this permit. The discharge of any hazardous materials or hazardous waste into the stormwater management system is prohibited.
  - b. The issuance of this permit does not relieve the permittee from obtaining coverage under General Permit 3-9001, if applicable.
14. Adverse Impact: These discharges 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. If information is obtained during the term of this permit which indicates that the discharges authorized by this permit cause or contribute to violations of the Water Quality Standards, then this permit may be amended to require implementation of additional stormwater treatment and control measures.
15. Dated at Waterbury, VT this 20th day of December, 2002

Christopher Recchia, Commissioner  
Department of Environmental Conservation

By Wallace McLean  
Wallace McLean, Director  
Water Quality Division

## MS4 Incorporation Form for State Issued Stormwater Permits

Please complete this form for each previously issued state stormwater permit that the MS4 plans to incorporate into the MS4 authorization. The stormwater management practices associated with the permit listed below shall be listed in the MS4's Stormwater Management Program (SWMP) under Minimum Control Measure 5, Post-Construction Stormwater Management.

1. Stormwater System Name: Colchester Park & Ride and Maintenance Facility
2. Location: VTrans Maintenance Garage, 400 US Route 7 Colchester Vermont
3. Stormwater Permit Number: 3012-9010.R
4. Current Permit Status: (Issued, Expired, Title 3) Issued
5. Narrative Describing the Stormwater System: The drainage system covered by this permit is comprised of catch basins, culverts, and a wet detention basin. The water from the site discharges to an unnamed tributary of Allen Brook.
6. Current Compliance Status:
  - Compliant with previously issued state permit
  - Planned compliance within 24 mos; Estimated Compliance Date: \_\_\_\_\_
  - Not constructed – plan for construction as part of FRP; Estimated construction schedule: \_\_\_\_\_
  - Substantially deteriorated – plan for construction as part of FRP; Estimated construction schedule: \_\_\_\_\_
7. Plans (for expired permits, list plan numbers and attach):

CMG Park (18) S Sheets 1-56 dated 7/11/2002
8. Proof of Legal Responsibility (list and attach):

Authorization under Post construction Stormwater Discharge Permit. (see attached)

Permit Number 3012-9010.R  
Project ID Number EJ96-0315.01

VERMONT DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
AUTHORIZATION TO DISCHARGE UNDER  
GENERAL PERMIT 3-9010 AMENDED (MAY 2007)

A determination has been made that the applicant:

State of Vermont - Agency of Transportation  
c/o Director of Operations  
1 National Life Drive  
Montpelier, VT 05633  
(Impervious area: 3.82 acres)

meets the criteria necessary for inclusion under General Permit 3-9010 Amended (May 2007). Here after the named applicant shall be referred to as the permittee. Subject to the conditions of General Permit No. 3-9010 Amended (May 2007), the permittee is authorized to discharge stormwater from the Colchester Park and Ride Facility and the VTrans District Maintenance Garage located at 400 US Route 7 in Colchester, Vermont to an unnamed tributary of Allen Brook as previously described in General Permit Authorization No. 3012-9010:

*Manner of Discharge:*

S/N 001: Stormwater from a portion of the entrance road and the paved area to the south of the garage building and stormwater from the park-and-ride facility is conveyed to a wet detention basin prior to discharge to an unnamed tributary of Allen Brook.

Note: A rain garden to treat overland runoff from the park-and-ride facility is not part of the permit for the facility

Compliance with General Permit 3-9010 Amended (May 2007) and this Authorization  
The permittee shall comply with this authorization and all the terms and conditions of General Permit 3-9010 Amended (May 2007), including the payment of annual operating fees to the Department. A billing statement for such fees will be sent to the permittee each year. The first year's statement is enclosed. Any permit non-compliance, including a failure to pay the annual operating fee, constitutes a violation of 10 V.S.A. Chapter 47 and may be grounds for an enforcement action or revocation of this authorization to discharge.

Transferability

This authorization to discharge is not transferable to any person except in compliance with Part VI.D. of General Permit 3-9010 Amended (May 2007). A copy of General Permit 3-9010 Amended (May 2007) is available from the Department via the internet at [http://www.vtwaterquality.org/stormwater/html/sw\\_3-9010.htm](http://www.vtwaterquality.org/stormwater/html/sw_3-9010.htm)

#### Changes to Permitted Development

In accordance with Part V.G. of General Permit 3-9010 Amended (May 2007), the permittee shall notify the Department of any planned development or facility expansions or changes that may result in new or increased stormwater discharges. The Department shall determine the appropriateness of continued inclusion under General Permit 3-9010 Amended (May 2007) by the modified development or facility.

#### Annual Inspection and Report

The stormwater collection, treatment and control system authorized herein shall be properly operated and maintained. An inspection shall be conducted between the conclusion of spring snow melt and June 15<sup>th</sup> of each year. The inspection shall evaluate the operation and maintenance and condition of the stormwater collection, treatment and control system. The permittee shall prepare an annual inspection report on a form available from the Department. The permittee shall submit an inspection report to the Department by July 15<sup>th</sup> of each year or by July 30<sup>th</sup> if performed by a utility or municipality pursuant to a duly adopted stormwater management ordinance.

#### Restatement of Compliance

Every 3 years, the permittee shall submit to the Department a written statement signed by a designer that the stormwater collection, treatment and control system authorized herein is properly operating and maintained. The first re-statement of compliance is due May 11, 2013. Failure to submit a designer's restatement of compliance shall constitute a violation of General Permit 3-9010 Amended (May 2007) and may result in the revocation of this authorization to discharge.

#### Filing of this Authorization with Local Land Records

In accordance with Part VI.N. of General Permit 3-9010 Amended (May 2007), the permittee shall file a copy of this authorization to discharge in the land records within seven (7) 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.

#### Rights to Appeal to the Environmental Court

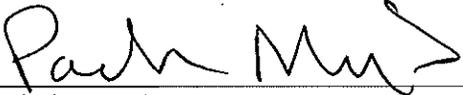
Pursuant to 10 V.S.A. Chapter 220, any appeal of this decision must be filed with the clerk of the Environmental Court within 30 days of the date of the decision. The appellant must attach to the Notice of Appeal the entry fee of \$250.00, payable to the state of Vermont. The Notice of Appeal must specify 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](http://www.vermontjudiciary.org). The address for the Environmental Court is 2418 Airport Road, Suite 1, Barre, VT 05641 (Tel. # 802-828-1660).

Effective Date and Expiration Date of this Authorization

This authorization to discharge shall become effective on May 11, 2010 and shall continue until May 11, 2020. The permittee shall reapply for coverage at least sixty (60) days prior to May 11, 2020.

Dated at Waterbury, VT this 11<sup>th</sup> day of May, 2010.

Justin G. Johnson, Commissioner  
Department of Environmental Conservation

By   
Padraic Monks  
Stormwater Program Manager

Permit Number 5625-9010  
Project ID Number EJ07-0525

VERMONT DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
AUTHORIZATION TO DISCHARGE UNDER  
GENERAL PERMIT 3-9010 AMENDED (MAY 2007)

A determination has been made that the applicant:

Vermont Agency of Transportation  
Director of Operations  
One National Life Drive  
Montpelier, VT 05633-5001  
(Impervious area: 18.68 acres)

meets the criteria necessary for inclusion under General Permit 3-9010 Amended (May 2007). Here after the named applicant shall be referred to as the permittee. Subject to the conditions of General Permit No. 3-9010 Amended (May 2007), the permittee is authorized to discharge stormwater from Shelburne Road-US Route 7 located in South Burlington and Shelburne, Vermont to North Brook, LaPlatte River, and Lake Champlain as previously described in Individual Permit No.1-1291 S/N 1-3, 10-12 and, 15-16.

*Manner of Discharge:*

S/N 001: (Station 247+20) Stormwater runoff from the roadway from approximately station 247 to 251, collected into catch basins, and then discharging through a vegetated swale to the LaPlatte River.

S/N 002: (Station 250+54) Stormwater runoff from the roadway from approximately station 251 to 263, collected in catch basins, and then discharging through a vegetated swale to the LaPlatte River.

S/N 003: (Station 261+50) Stormwater runoff from the roadway from approximately station 263 to 271, collected in catch basins and swales, then discharging through a vegetated swale to an existing culvert and then to the LaPlatte River.

S/N 010: (Station 359+90) Stormwater runoff from the roadway from approximately station 356 to 366, collected in catch basins that discharge to a stone-lined swale then overland to Lake Champlain.

S/N 011: (Station 376+13) Stormwater runoff from the roadway from approximately station 366 to 376, collected in catch basins that discharge to a stone-lined swale then a vegetated swale, then overland to Lake Champlain.

S/N 012: (Station 383+83) Stormwater runoff from the roadway from approximately station 376 to 383, collected in catch basins that discharge to a stone-lined swale then a vegetated swale, then overland to Lake Champlain.

S/N 015: (Station 406+48) S/N 015: Stormwater runoff from the roadway from approximately station 397 to 417, collected in catch basins that discharge to a hydraulic flow splitter and then to a swale and then to North Brook.

S/N 016: (Station 417+70) Stormwater runoff from the roadway from approximately Station 417 to 429, collected in catch basins that discharge to a vegetated swale, then to North Brook.

#### Compliance with General Permit 3-9010 Amended (May 2007) and this Authorization

The permittee shall comply with this authorization and all the terms and conditions of General Permit 3-9010 Amended (May 2007), including the payment of annual operating fees to the Department. A billing statement for such fees will be sent to the permittee each year. The first year's statement is enclosed. Any permit non-compliance, including a failure to pay the annual operating fee, constitutes a violation of 10 V.S.A. Chapter 47 and may be grounds for an enforcement action or revocation of this authorization to discharge.

#### Transferability

This authorization to discharge is not transferable to any person except in compliance with Part VI.D. of General Permit 3-9010 Amended (May 2007). A copy of General Permit 3-9010 Amended (May 2007) is available from the Department via the internet at [http://www.vtwaterquality.org/stormwater/htm/sw\\_3-9010.htm](http://www.vtwaterquality.org/stormwater/htm/sw_3-9010.htm)

#### Changes to Permitted Development

In accordance with Part V.G. of General Permit 3-9010 Amended (May 2007), the permittee shall notify the Department of any planned development or facility expansions or changes that may result in new or increased stormwater discharges. The Department shall determine the appropriateness of continued inclusion under General Permit 3-9010 Amended (May 2007) by the modified development or facility.

#### Annual Inspection and Report

The stormwater collection, treatment and control system authorized herein shall be properly operated and maintained. An inspection shall be conducted between the conclusion of spring snow melt and June 15<sup>th</sup> of each year. The inspection shall evaluate the operation and maintenance and condition of the stormwater collection, treatment and control system. The permittee shall prepare an annual inspection report on a form available from the Department. The permittee shall submit an inspection report to the Department by July 15<sup>th</sup> of each year or by July 30<sup>th</sup> if performed by a utility or municipality pursuant to a duly adopted stormwater management ordinance.

Restatement of Compliance

Every 5 years, the permittee shall submit to the Department a written statement signed by a designer that the stormwater collection, treatment and control system authorized herein is properly operating and maintained. The first re-statement of compliance is due November 6, 2013. Failure to submit a designer's restatement of compliance shall constitute a violation of General Permit 3-9010 Amended (May 2007) and may result in the revocation of this authorization to discharge.

Filing of this Authorization with Local Land Records

In accordance with Part VI.N. of General Permit 3-9010 Amended (May 2007), the permittee shall file a copy of this authorization to discharge in the land records within seven (7) 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.

Rights to Appeal to the Environmental Court

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 \$225.00, 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](http://www.vermontjudiciary.org). The address for the Environmental Court is 2418 Airport Road, Suite 1, Barre, VT 05641 (Tel. # 802-828-1660).

Effective Date and Expiration Date of this Authorization

This authorization to discharge shall become effective on November 6, 2008 and shall continue until November 6, 2018. The permittee shall reapply for coverage at least sixty (60) days prior to November 6, 2018.

Dated at Waterbury, VT this 6<sup>th</sup> day of November, 2008.

Laura Q. Pelosi, Commissioner  
Department of Environmental Conservation

By   
Padraic Monks,  
Stormwater Program Manager

## MS4 Incorporation Form for State Issued Stormwater Permits

Please complete this form for each previously issued state stormwater permit that the MS4 plans to incorporate into the MS4 authorization. The stormwater management practices associated with the permit listed below shall be listed in the MS4's Stormwater Management Program (SWMP) under Minimum Control Measure 5, Post-Construction Stormwater Management.

1. Stormwater System Name: Milton STP 5800 (2)
2. Location: U.S. Route 7 and TH 3-Lake Road in Milton, Vermont
3. Stormwater Permit Number: 6019-9010
4. Current Permit Status: (Issued, Expired, Title 3) Issued
5. Narrative Describing the Stormwater System: The drainage system covered by this permit is comprised of sheet flow, grass channels, disconnection, and a dry swale. The water from the site discharges to an unnamed tributary of Arrowhead Mountain Lake and to Arrowhead Mountain Lake.
6. Current Compliance Status:
  - Compliant with previously issued state permit
  - Planned compliance within 24 mos; Estimated Compliance Date: \_\_\_\_\_
  - Not constructed – plan for construction as part of FRP; Estimated construction schedule: \_\_\_\_\_
  - Substantially deteriorated – plan for construction as part of FRP; Estimated construction schedule: \_\_\_\_\_
7. Plans (for expired permits, list plan numbers and attach):  
STP 5800 (2) Stormwater Layout Sheets 1-4 dated 1/21/2009; Stormwater Treatment Detail Sheet 1-2 dated 1/21/2009
8. Proof of Legal Responsibility (list and attach):  
Authorized under Post Construction Stormwater Discharge Permit. (see attached)

Permit Number 6019-9010  
Project ID Number EJ09-0040

VERMONT DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
AUTHORIZATION TO DISCHARGE UNDER  
GENERAL PERMIT 3-9010

A determination has been made that the applicant:

Vermont Agency of Transportation  
c/o Maintenance and Operations Bureau  
1 National Life Drive  
Montpelier, VT 05602

Impervious Area: 0.26 acres

meets the criteria necessary for inclusion under General Permit 3-9010. Hereinafter the named applicant shall be referred to as the permittee. Subject to the conditions of General Permit No. 3-9010, the permittee is authorized to discharge stormwater from the Milton STP 5800(2) project located at the intersection of U.S. Route 7 and TH3 Lake Road in Milton, Vermont to Arrowhead Mountain Lake and an unnamed tributary of Arrowhead Mountain Lake as previously described in Individual Permit No. 6019-INDS:

*Manner of Discharge:*

*S/N 001: Stormwater runoff from roadway via sheet flow to a grass channel (U.S. Route 7 Sta. 100+50 LT – 102+64 LT), and stormwater runoff from roadway via disconnected sheet flow (U.S. Route 7, Sta. 100+50 RT – 101+50 RT) in accordance with Disconnection of Non-Rooftop Runoff Credit, discharging to Arrowhead Mountain Lake.*

*S/N 002: Stormwater runoff from roadway via sheet flow to a dry swale (U.S. Route 7 Sta. 103+50 LT – 104+30 LT), and stormwater runoff from roadway via disconnected sheet flow (U.S. Route 7, Sta. 101+50 RT – 102+60 RT) in accordance with Disconnection of Non-Rooftop Runoff Credit, discharging to an unnamed tributary of Arrowhead Mountain Lake.*

Compliance with General Permit 3-9010 and this Authorization

The permittee shall comply with this authorization and all the terms and conditions of General Permit 3-9010, including the payment of annual operating fees to the Department. A billing statement for such fees will be sent to the permittee each year. The first year's statement is enclosed. Any permit non-compliance, including a failure to pay the annual operating fee, constitutes a violation of 10 V.S.A. Chapter 47 and may be grounds for an enforcement action or revocation of this authorization to discharge.

### Transferability

This authorization to discharge is not transferable to any person except in compliance with Part VI.D. of General Permit 3-9010. A copy of General Permit 3-9010 is available from the Department via the internet at

[http://www.vtwaterquality.org/stormwater/htm/sw\\_3-9010.htm](http://www.vtwaterquality.org/stormwater/htm/sw_3-9010.htm)

### Changes to Permitted Development

In accordance with Part V.G. of General Permit 3-9010, the permittee shall notify the Department of any planned development or facility expansions or changes that may result in new or increased stormwater discharges. The Department shall determine the appropriateness of continued inclusion under General Permit 3-9010 by the modified development or facility.

### Annual Inspection and Report

The stormwater collection, treatment and control system authorized herein shall be properly operated and maintained. An inspection shall be conducted between the conclusion of spring snow melt and June 15<sup>th</sup> of each year. The inspection shall evaluate the operation and maintenance and condition of the stormwater collection, treatment and control system. The permittee shall prepare an annual inspection report on a form available from the Department. The permittee shall submit an inspection report to the Department by July 15<sup>th</sup> of each year or by July 30<sup>th</sup> if performed by a utility or municipality pursuant to a duly adopted stormwater management ordinance.

### Restatement of Compliance

Every 5 years, the permittee shall submit to the Department a written statement signed by a designer that the stormwater collection, treatment and control system authorized herein is properly operating and maintained. The first re-statement of compliance is due July 15, 2019. Failure to submit a designer's restatement of compliance shall constitute a violation of General Permit 3-9010 and may result in the revocation of this authorization to discharge. Forms for completing this requirement are available on the Stormwater Management Program's website.

Recording in Land Records: The permittee shall record a one-page notice of issuance of this discharge permit in the local land records within fourteen (14) days of issuance of this authorization to discharge on the form provided by the Secretary, per §18-312 of Stormwater Management Rule. The permittee shall provide a copy of the recording to the Stormwater Management Program within fourteen (14) days of the permittee's receipt of the copy of the recording from the local land records.

### Renewable Energy Projects – Right to Appeal to Public Service Board:

If this decision relates to a renewable energy plant for which a certificate of public good is required under 30 V.S.A. §248, any appeal of this decision must be filed with the Vermont Public Service Board pursuant to 10 V.S.A. §8506. This section does not apply to a facility that is subject to 10 V.S.A. §1004 (dams before the Federal Energy Regulatory Commission), 10 V.S.A. §1006 (certification of hydroelectric projects) or 10 V.S.A. Chapter 43 (dams). Any appeal under this section must be filed with the clerk of the Public Service Board within 30 days of the date of this decision. For further information, see the Public Service Board website at <http://psb.vermont.gov> or call (802)

828-2358. The address for the Public Service Board is 112 State Street Montpelier, Vermont 05620-2701.

All Other Projects - Right to Appeal to the Environmental Court

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](http://www.vermontjudiciary.org). The address for the Environmental Court is 32 Cherry Street, 2nd Floor Suite 303 Burlington, Vermont 05401 (Tel. # 802-951-1740).

Effective Date and Expiration Date of this Authorization

This authorization to discharge shall become effective on December 23, 2014 and shall continue until December 23, 2024. The permittee shall reapply for coverage at least sixty (60) days prior to December 23, 2024.

Dated this 23rd day of December, 2014.

David K. Mears, Commissioner  
Department of Environmental Conservation

By   
Padraic Monks, Stormwater Program Manager  
Stormwater Management Program

## MS4 Incorporation Form for State Issued Stormwater Permits

Please complete this form for each previously issued state stormwater permit that the MS4 plans to incorporate into the MS4 authorization. The stormwater management practices associated with the permit listed below shall be listed in the MS4's Stormwater Management Program (SWMP) under Minimum Control Measure 5, Post-Construction Stormwater Management.

1. Stormwater System Name: Essex Town STP 5400(5) (VT117/sand hill rd inter)
2. Location: Intersection of VT117 and Sand Hill, Essex, VT
3. Stormwater Permit Number: 6300-INDS.R
4. Current Permit Status: (Issued, Expired, Title 3) Issued
5. Narrative Describing the Stormwater System: The drainage system covered by this permit is comprised of sheet flow, grass channels, drop inlets and culverts. The water from the site discharges to Sand Hill Brook and the Winooski River.
6. Current Compliance Status:
  - Compliant with previously issued state permit
  - Planned compliance within 24 mos; Estimated Compliance Date: \_\_\_\_\_
  - Not constructed – plan for construction as part of FRP; Estimated construction schedule: \_\_\_\_\_
  - Substantially deteriorated – plan for construction as part of FRP; Estimated construction schedule: \_\_\_\_\_
7. Plans (for expired permits, list plan numbers and attach):  
STP 5400 (5) Sheets 1-4 dated 10/22/2009
8. Proof of Legal Responsibility (list and attach):  
Authorized under the Post Construction Stormwater Discharge Permit. (see attached)

STATE OF VERMONT  
AGENCY OF NATURAL RESOURCES  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

**STORMWATER DISCHARGE PERMIT**

STORMWATER RUNOFF TO WATERS OF THE STATE

In compliance with provisions of 10 V.S.A. §1264, the Stormwater Management Rule and in accordance with "Terms and Conditions" hereinafter specified,

Vermont Agency of Transportation  
1 National Life Drive  
Montpelier, VT 05633-5001

Impervious Area: 0.37 acres

the permittee, is hereby granted permission to discharge stormwater runoff from the Essex Town STP 5400(5) project located at Vermont Route 117 and Sand Hill Road (Town Highway #4) in the Town of Essex, Vermont to the Winooski River and Sand Hill Brook.

1. Expiration Date: Five years from issuance date of final permit. Note: This permit, unless revoked, modified or suspended, shall be valid until the designated expiration date notwithstanding any intervening change in water quality, effluent, or treatment standards, or classification of the receiving waters including groundwater. However, any such changed standard or classification, and any applicable requirement in a total maximum daily load (TMDL) for the Winooski River or Sand Hill Brook, shall be applied in determining whether or not to renew this permit, and in determining the conditions of a renewed permit.

The permittee shall reapply for a renewed discharge permit ninety days prior to the expiration date of this permit.

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

The Secretary may, after notice and opportunity for a public hearing, revoke, modify or suspend this permit if it is found that the permittee submitted false or inaccurate information in its application or has violated any requirement, restrictions, or condition of this permit, or if there is any change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge. The Secretary shall impose conditions as the Secretary deems necessary for regulating the discharges of a permittee whose permit has been revoked, modified or suspended. Revocation shall be effective upon actual notice thereof to the permittee.

3. Operating Fees: This discharge is subject to operating fees under 3 V.S.A. §2822. The permittee shall submit the operating fees to the Agency in accordance with procedures provided by the Secretary.
4. Transfer of Permit: This permit is not transferable without prior written approval of the Secretary. Provided all applicable fees under 3 V.S.A. §2822 have been paid, a permittee may submit a notice of transfer to the Stormwater Management Program. The notice shall be submitted at least five (5) days prior to the proposed date of transfer. The notice shall state that the prospective permittee has adequate funding to comply with this permit. The permittee shall provide a copy of this permit to the new owner or tenant and inform him of the 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 permittee shall allow the Secretary, or his or her authorized representatives, at reasonable times, upon presentation of credentials, to enter upon and inspect the permitted premises, and the stormwater collection, treatment and control system; and to sample any discharge to determine compliance with this permit; and to have access to and inspect and copy any records required to be kept pursuant to this permit.

6. Receiving Waters: Winooski River and Sand Hill Brook

7. Manner of Discharge:

S/N 001: Stormwater runoff from roadway via sheet flow to grass channels, discharging to the Winooski River.

S/N002: Stormwater runoff from roadway via sheet flow to drop inlet and pipe system discharging to Sand Hill Brook.

The *Stormwater Procedure for Public Linear Transportation Projects* was utilized to meet applicable treatment standards for this project as follows: 35% Water Quality Volume provided for expansion (0.142 acres) and redeveloped (0.226 acres) areas within the total project limits through treatment in grass channels located in drainage area S/N001.

8. Wastes Permitted: Stormwater runoff from S/N 001 and S/N 002 of the Essex Town STP 5400 (5) project after treatment from grass channels.
9. Volumes Permitted and Frequency of Discharge: Such volumes and frequency as required by the discharge specified in #8 above.
10. Approved Project Design: This project shall be constructed and operated in accordance with the following site plans and details prepared by the Vermont Agency of Transportation (Sheets 1 through 4, dated 10/22/2009; and supporting information).

By reference, the above noted plans are made a part of this permit.

11. Inspection and Maintenance Reporting Requirements:

- a. The basins, grass channels, and related stormwater collection, treatment and control system shall be maintained in good operating condition at all times and **shall be inspected annually and cleaned as necessary to maintain design specifications. The inspections shall be conducted between the conclusion of spring snow melt and June 15<sup>th</sup> of each year.**
- b. Any sediment removed from the basins, grass channels, and related stormwater collection, treatment and control system shall be disposed of properly in accordance with state and federal statutes and regulations.
- c. **By July 15 of each year the permittee shall submit an annual inspection report to the Secretary; or by July 30 of each year if performed by a utility or municipality pursuant to a duly adopted stormwater management ordinance. Annual Inspection Reports shall be submitted to:**

Department of Environmental Conservation  
 Watershed Management Division  
 Stormwater Program  
 1 National Life Drive, Main 2  
 Montpelier, Vermont 05620-3522

Or by email to [anr.wsmdstormwatergeneral@state.vt.us](mailto:anr.wsmdstormwatergeneral@state.vt.us)

This report shall include, at a minimum items c.i. through c.vii. below. The permittee(s) may utilize the Annual Inspection Report form available from the Stormwater Program if determined by inspector to be sufficient to fully document inspection and maintenance of the authorized system.

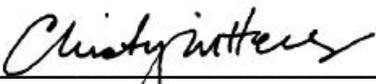
- i. Unless previously submitted by the permittee(s) under a previously issued authorization or discharge permit, the first report shall include an inspection and designer's certification that the project was built in compliance with the Approved Project Design per #11 above;
  - ii. A description of any vegetated areas that require mowing or other maintenance;
  - iii. A description of any catch basins that require maintenance or sediment removed from sumps;
  - iv. A description of any illicit discharges to the system (illicit discharges would include dumping of oil, gas, detergent, vehicle wash water, etc.) and corrective action/preventative measures taken if applicable;
  - v. A description of any re-routing of stormwater to avoid the system;
  - vi. A description of any erosion noted during inspection (i.e. areas of exposed soil in channels, outlets, or on pond berms);
  - vii. A description of any cleaning, maintenance operations, or repairs needed to maintain design specifications, including a schedule for correction of any identified deficiencies;
- d. Should any erosion problems occur, the permittee is required to immediately correct any such problems.
  - e. Any basins, grass channels, 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 #11 above.
  13. Monitoring and Reporting Requirement: No monitoring required; reporting requirement as specified in #11 above.
  14. Other Requirements:
    - a. Treated stormwater runoff is the only waste authorized for disposal under the terms and conditions of this permit. The discharge of any hazardous materials or hazardous waste into

the stormwater management system is prohibited.

- b. The issuance of this permit does not relieve the permittee from the responsibility to obtain any other local, state or federal permits required by law.

15. Compliance with Anti-degradation and Water Quality Standards: The Secretary has determined that the permitted discharges satisfy Vermont's Anti-Degradation Policy described in the Department of Environmental Conservation's Interim Anti-Degradation Implementation Procedure, because the procedure allows a presumption of compliance for discharges that are in compliance with the Vermont Stormwater Management Manual and any additional best management practices that will be used to control the stormwater discharge as described in Section IX.D.1.d of the Department's Interim Anti-Degradation Implementation Procedure. The Secretary has also determined that for such discharges that qualify for the presumption under IX.D.1.d, all existing uses of surface waters, and the level of water quality necessary to protect those existing uses will be maintained and protected. The Secretary has determined that if the permittee is in full compliance with all permit conditions, including approved plans, monitoring, reporting and recordkeeping conditions, and is fully implementing stormwater BMPs required by this permit, the permitted discharges will meet the requirements of the Vermont Stormwater Management Manual and qualify for the presumption described in Section IX.D.1.d of the Department's Interim Anti-Degradation Implementation Procedure and will be presumed to comply with the Vermont Water Quality Standards, including but not limited to §1-03 (Anti-degradation Policy).
16. Right to Appeal to Environmental Court:  
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 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 online at [www.vermontjudiciary.org](http://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.
17. Dated this 1st day of July, 2015

David K. Mears, Commissioner  
Department of Environmental Conservation

By   
Christy Witters, Environmental Analyst  
Stormwater Management Program