

AGENCY OF NATURAL RESOURCES
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
SEWING BUILDING
103 SOUTH MAIN STREET
WATERBURY, VERMONT 05671-0405

FACT SHEET

April 2003

(November 2003 revisions)

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
PERMIT TO DISCHARGE TO WATERS OF THE UNITED STATES

FILE NO.: 04-06

NPDES NO.: VT0000400

PERMIT NO.: 3-1295

NAME AND ADDRESS OF APPLICANT:

International Business Machines Corporation
1000 River Road
Essex Jct., Vermont 05452

NAME AND ADDRESS OF FACILITY WHERE DISCHARGE OCCURS:

River Road
Essex Jct., Vermont

RECEIVING WATER: Winooski River, Class B with a waste management zone. Class B waters are suitable for bathing and recreation; irrigation and agricultural uses; good fish habitat; good aesthetic value; acceptable of public water supply with filtration and disinfection. A waste management zone is a specific reach of Class B waters designated by a permit to accept the discharge of properly treated wastes that prior to treatment contained organisms pathogenic to human beings.

I. Proposed Action, Type of Facility, and Discharge Location

The above named applicant applied for renewal of their existing discharge permit on December 18, 2002. The facility is engaged in the manufacture of semiconductors and the treatment of sanitary and industrial wastewater. At this time the Department has decided to renew the previously issued discharge permit. The discharges are from the permittee's industrial and sanitary wastewater treatment facility, water treatment facility, groundwater remediation system, and stormdrains to the Winooski River.

II. Description of Discharge

A quantitative description of the discharge in terms of significant effluent parameters is based upon state and federal laws and regulations and upon self-monitoring data.

III. Limitations and Conditions

The effluent limitations included in this draft permit may be found on pages 2 through 6. Sampling frequencies may be found on pages 2 through 6.

IV. Permit Basis and Explanation of Effluent Limitation Derivation

International Business Machines (IBM) owns and operates a semiconductor manufacturing facility in Essex Junction, VT. At this facility, IBM operates an industrial wastewater treatment system and a sanitary wastewater treatment system, a water treatment facility, a groundwater remediation system, air pollution control systems, and maintains a stormwater management system. The industrial wastewater treatment system utilizes pH adjustment and clarification for treatment prior to discharge to the Winooski River and is captured under 40 CFR Part 433 and 40 CFR Part 469. The sanitary wastewater treatment system utilizes a sequential batch reactor system for treatment. After treatment, the sanitary wastewater is mixed with the industrial influent and is disinfected via the pH adjustment process prior to discharging to the Winooski River. The reverse osmosis reject water from the water treatment system is dechlorinated prior to discharge to the Winooski River. The contaminated groundwater, wastewater generated from air pollution control equipment and other miscellaneous wastewaters are treated by ozone and/or carbon filtration prior to discharge to the Winooski River.

Discharge Point S/N 001 (Industrial and Sanitary Wastewater)

Flow

The flow limitation for the combined industrial and sanitary wastewater treatment facility (S/N 001) remains at 8.0 mgd annual average and is unchanged from the previous permit. This limitation is based on the application and the facility's design flow. This is a continuous discharge.

Ultimate Oxygen Demand

The UOD mass effluent limitation for this discharge remains at 2300 lbs/day, maximum day, and is effective from June 1st through October 31st of each year. This limitation is based on the 1988 Lower Winooski River Waste Load Allocation Order. Monitoring is required once per week from the period of June 1st through October 31st and is unchanged from the previous permit.

Total Suspended Solids

The TSS limitations of 437 lbs/day maximum day and 10.5 mg/l maximum day are unchanged from the previous permit. The mass limitation is based on the concentration limitation and flow of 5.0 mgd (which was the permitted flow until March 19, 1997 when an increase to discharge 8.0 mgd was authorized). The concentration limitation is based upon the best professional judgement of the Agency for a properly treated effluent from this industrial and sanitary wastewater treatment facility. The sampling frequency for TSS has been increased to once per week to be consistent with similarly sized discharges in the lower Winooski River.

Biochemical Oxygen Demand

The permit contains a "monitor only" BOD requirement for the period of June 1st through October 31st and is unchanged from the previous permit. This monitoring is necessary to derive the UOD loading from this discharge. Sampling is required once per week when the UOD limitation is in effect and is unchanged from the previous permit.

Total Kjeldahl Nitrogen

The permit contains a "monitor only" TKN requirement for the period of June 1st through October 31st and is unchanged from the previous permit. This monitoring is necessary to derive the UOD loading from this discharge. Sampling is required once per week while the UOD limitation is in effect and is unchanged from the previous permit.

Total Ammonia

The permit contains a "monitor only" ammonia requirement and is unchanged from the previous permit. A concentrated ammonia fluoride solution is used in the manufacturing process and ammonia is present in the discharge. Because the concentrations of ammonia in the discharge are significantly below the instream water quality standard for ammonia, therefore an ammonia limitation is not warranted. However it is the Agency's position that ammonia monitoring is necessary to ensure the quality of the discharge does not change. Sampling is required twice per month and is unchanged from the previous permit.

Chemical Oxygen Demand

COD monitoring has been eliminated from this permit. Since there is no valid correlation between COD and BOD, the Agency believes that COD monitoring is no longer necessary since it cannot be used as a valid indicator for the BOD concentration in the discharge.

E. coli

The *E. coli* limitation is 77/100ml, instantaneous maximum, and is based on Section 3-04.B.3 of the Vermont Water Quality Standards effective July 2, 2000. This limitation is unchanged from the previous permit. Sampling has been increased from twice per month to once per week to be consistent with similarly sized discharges in the lower Winooski River.

Metals

The metals effluent limitations contained in this permit are based on the current Vermont Water Quality Standards or the current federal categorical effluent limitations. Since this discharge is subject to 40 CFR Part 433.16, the concentration based effluent parameters for this subsection were included in the permit.

The mass effluent limitations were calculated for all the parameters in 40 CFR Part 433.16 based on the categorical standard concentration limitation and a flow of 8.0 mgd. Also mass effluent limitations for each parameter were calculated based on the Vermont Water Quality Standards effective July 2, 2000 using an instream hardness of 55, a 7Q10 flow in the receiving water of 167 CFS and a discharge flow of 8.0 mgd. The Department then compared the Water Quality Standard based limitation with the Metal Finishing based limitation for each parameter and included the most restrictive mass limitation in the permit. The specific limitations are as follows:

Cadmium: The permit contains a cadmium limitation of 1.93 lbs/day daily maximum and 0.69 lbs/day, monthly average. These limitations are based on the Vermont Water Quality Standards which are more restrictive than the mass effluent limitations based on 40 CFR 433.16. Since cadmium is not used in IBM's manufacturing process, sampling is required twice per year. These limitations and the sampling frequency are unchanged from the previous permit.

Chromium: The permit contains a chromium limitation of 184.81 lbs/day daily maximum and 114.09 lbs/day monthly average. These limitations are based on 40 CFR Part 433.16 which are more restrictive than the mass effluent limitations based on the Vermont Water Quality Standards. Since chromium is not significantly used in IBM's manufacturing process, sampling is required twice per year. These limitations and the sampling frequency are unchanged from the previous permit.

Copper: The draft permit placed on public notice contained a copper limitation of 9.75 lbs/day, daily maximum and 6.86 lbs/day, monthly average. These limitation were based on the Vermont Water Quality Standards which are more restrictive than the effluent limitations based on 40 CFR 433.16. Sampling was proposed twice per month. These limitations and the sampling frequency were unchanged from the previous permit. *As a result of comments received during the public notice period, the Agency reviewed effluent analyses on the five municipal discharges and one industrial discharge downstream of IBM and noted copper is consistently detected in these discharges. Therefore to ensure that the lower Winooski River complies with the Vermont Water Quality Standards, the copper effluent limitation in IBM's permit was reduced to 7.18 lbs/day, daily maximum and 5.14 lbs/day, monthly average to account for these downstream sources. The monthly average limitation was reduced based on the combined discharge flow (10.85 mgd) of the downstream discharges and the average copper concentration of these discharges (0.019 mg/l). The daily maximum limitation was reduced based on the combined maximum discharge flow (11.0 mgd) of the downstream discharges and the average copper concentration plus one standard deviation of these discharges (0.028 mg/l). Sampling is required twice per month.*

Lead: The permit contains a lead limitation of 36.87 lbs/day, daily maximum, and 1.44 lbs/day, monthly average. These limitations are based on the Vermont Water Quality Standards which are more restrictive than the effluent limitations based on 40 CFR 433.16. Sampling is required twice per month. These limitations and the sampling frequency are unchanged from the previous permit.

Nickel: The permit contains a nickel limitation of 265.55 lbs/day, daily maximum and 91.89 lbs/day monthly average. The daily maximum limitation is based on 40 CFR 433.16 and is more restrictive than the effluent limitation based on Water Quality Standards. The monthly average limitation is based on the Vermont Water Quality Standards and is more restrictive than the effluent limitation based on 40 CFR 433.16.

Sampling is required twice per month. These limitations and the sampling frequency are unchanged from the previous permit.

Silver: The permit contains a silver limitation of 1.4 lbs/day, daily maximum, and 28.69 lbs/day, monthly average. The daily maximum limitation is based on the Vermont Water Quality Standards and is much more restrictive than the effluent limitations based on 40 CFR 433.16. The monthly average limitation is based on 40 CFR 433.16, which is more restrictive than the Vermont Water Quality Standards. Since silver is not used in IBM's manufacturing process, sampling is required twice per year. These limitations and the sampling frequency are unchanged from the previous permit.

Zinc: The draft permit contained a zinc limitation of 68.35 lbs/day daily maximum and 61.73 lbs/day monthly average. These limitations were based on the Vermont Water Quality Standards which are more restrictive than the effluent limitations based on 40 CFR 433.16. Sampling was proposed twice per month. These limitations and the sampling frequency were unchanged from the previous permit.

As a result of comments received during the public notice period, the Agency reviewed effluent analyses on the five municipal discharges and one industrial discharge downstream of IBM and noted zinc is consistently detected in these discharges. Therefore to ensure that the lower Winooski River complies with the Vermont Water Quality Standards, the zinc effluent limitation in IBM's permit was reduced to 52.68 lbs/day, daily maximum, and 52.68 lbs/day, monthly average, to account for these downstream sources. The monthly average limitation was reduced based on the combined discharge flow (10.85 mgd) of the downstream discharges and the average zinc concentration of these discharges (0.100 mg/l). The daily maximum limitation was reduced based on the combined maximum discharge flow (11.0 mgd) of the downstream discharges and the average zinc concentration plus one standard deviation of these discharges (0.179 mg/l). Due to the variability of the data, when the standard deviation was factored into the calculation, the daily maximum limitation was slightly less than the monthly average limitation, therefore the Agency applied the monthly average limitation as a daily maximum limitation also.

Cyanide: *It was brought to the Agency's attention that the cyanide limitation was inadvertently left out of the draft permit. In addition, based on further comments received during the public notice period, the Agency revisited limitation the cyanide limitation and has revised it based on the Vermont Water Quality Standards. The Agency recalculated the cyanide limit using Appendix C of the Vermont Water Quality Standards and determined that the water quality based effluent limitation for cyanide is more restrictive than the technology based limits in 40 CFR 433.16. Specifically, the Vermont Water Quality Standards contains an instream criteria for cyanide of 22 ug/l acute and 5.2 ug/l chronic. Applied at a 7Q10 flow of 167cfs and a permitted discharge at S/N 001 of 8.0 mgd, these instream criteria would result in cyanide effluent limitation of 75 ug/l (or 0.075 mg/l) monthly average and 319 ug/l*

(or 0.32 mg/l), daily maximum. These concentration limitations were then used to calculate the mass limitations (5.0 lbs/day monthly average and 21.35 lbs/day, maximum day). In addition the concentration limitations in 40 CFR Part 433.16 have been included in the permit and IBM must comply with the most restrictive limitation. Since cyanide is not used in IBM's processes and has not been detected in the 20 effluent samples analyzed from 1998 through 2002, cyanide monitoring is required twice per year to ensure that quality of effluent does not change.

Oil and Grease

Based on comments received during the public notice period, oil and grease sampling has been included in the permit. Per 40 CFR 433.16, the federal technology based effluent concentration limitations of 52 mg/l, daily maximum and 26 mg/l, monthly average) for oil and grease have been included in the final permit. These limitations have also been calculated as mass limitations (3469.44, lbs/day, maximum day, and 1734.72 lbs/day, monthly average) and included in the final permit. IBM must comply with whichever limitation is more restrictive. IBM does not utilize petroleum in their wastewater generating processes and has analyzed their discharge for oil and grease in the past. This data indicate that oil and grease is extremely low in this discharge, therefore monitoring is required twice per year.

Iron

The permit contains a "monitor only" requirement for iron which is unchanged from the previous permit. Former permits had an iron limitation of 0.1 mg/l monthly average and 0.3 mg/l daily maximum. These former limits were based on recommended instream pollutant concentrations established in the early 1980s. The current Water Quality Standards establish an instream Average Allowable Concentration (Chronic) of 1,000 ug/l (1 mg/l) for iron. Based on a 7Q10 of 167 cfs and a facility discharge of 8.0 mgd, this would result in a discharge limit of 14.5 mg/l or approximately 121 lbs/day which is significantly higher than the iron ever measured in this discharge. Consequently the Agency believes iron limitations are no longer necessary, however it is the Agency's position that monitoring for iron is still necessary to ensure the quality of the discharge does not change. Based on the sampling conducted during the past permitting period, iron sampling has been reduced to once per month.

pH

The pH limitation is 6.5 to 8.5 Standard Units and is unchanged from the previous permit. This limitation is based on Section 3-01.B.9 of the Vermont Water Quality Standards effective July 2, 2000. Sampling is required once per day and is unchanged from the previous permit.

Total Phosphorus

The permit contains a total phosphorus mass effluent annual limitation of 12,193 total pounds, and a concentration limitation of 0.8 mg/l, monthly average. The mass limitation is based on the allocation on Page 23 of the Lake Champlain Phosphorus TMDL approved on November 4, 2002. The concentration limitation is based on 10 V.S.A. Section 1266.a. Sampling is being increased to once per week to be consistent with similarly sized

discharges in the lower Winooski River.

Total Fluoride

The permit contains a fluoride effluent concentration limitation of 17.4 mg/l, monthly average, and 28.0 mg/l, maximum day. These limitations are based on 40 CFR Part 469.15 (Semiconductor subcategory) and are unchanged from the previous permit. Sampling is required twice per month. is unchanged from the previous permit.

Hydrogen Peroxide

The permit contains hydrogen peroxide effluent concentration limitations of 10.0 mg/l, monthly average, and 15.0 mg/l, maximum day. These limitations are based on the information collected during a Toxic Reduction Evaluation (TRE) conducted on this discharge in the mid-1990s. Specifically in 1995, toxicity was identified in this discharge and a TRE was conducted. The results of the TRE indicated that hydrogen peroxide was the source of toxicity and an effluent concentration below 10.0 mg/l, monthly average, and 15.0 mg/l, maximum day, was sufficient to prevent instream toxicity. These limitations are unchanged from the previous permit. Based on the sampling conducted during the past permitting period which indicates that the discharge is consistently below these limitations, sampling is being reduced from twice per week to once per week.

Total Toxic Organics (TTO)

The permit contains a TTO effluent concentration limitation of 1.37 mg/l, maximum day (refer to Attachment D for a specific list of TTOs). This limitation is based on 40 CFR Part 469.15 (Semiconductor subcategory) and is unchanged from the previous permit. Sampling is required quarterly and is unchanged from the previous permit.

Whole Effluent Toxicity (WET) Testing

The permit contains a WET limitations of >7% NOEL-C, No observed (chronic) effect. Per the Vermont Toxic Discharge Control Strategy, this limitation is based on the instream waste concentration of this discharge in the receiving water. This limitation was established in the mid-1990s when WET testing on this discharge revealed that this discharge could have the potential to cause an instream toxic impact. This limitation is unchanged from the previous permit and sampling is required twice per year.

Based on comments received during the notice period, the WET testing requirements have been modified. Previously the permit required two one species chronic, (ceriodaphnia dubia) WET tests be conducted on this discharge twice per year, however testing of an additional species would ensure the quality of the discharge does not change. Therefore Condition I.F of the final permit has been modified. Specifically WET testing is required twice per year, with a two species chronic WET test (Pimephales promelas and Ceriodaphnia dubia) being required in August or September, which reflects the most critical time in the receiving water due to low flows and high temperatures, and a one species (Ceriodaphnia dubia) chronic WET test being required in January or February.

Waste Management Zone

As defined under 10 V.S.A. §1251(16), a waste management zone is “a specific reach of Class B waters designated by a permit to accept the discharge of properly treated wastes that prior to treatment contained organisms pathogenic to human beings. Throughout the receiving waters, water quality criteria must be achieved but increased health risks exist due to the authorized discharge”.

The previous permit designated a waste management zone in the Winooski River beginning at the outfall of the IBM Industrial/Sanitary Wastewater Treatment Facility and extending downstream for 1.0 miles. The permit maintains this waste management zone.

Discharge Point S/N 002 (Reverse Osmosis Reject Water)

Flow

The flow limitation for the reverse osmosis reject water from the water treatment facility which discharges via S/N 002 remains at 2.5 mgd maximum day and is unchanged from the previous permit. This limitation is based on the application and the facility’s design flow. This is a continuous discharge.

Chloroform

Chloroform is present in the municipal water used in IBM’s water treatment process and is listed as a TTO in 40 CFR Part 469 (see Attachment D). Therefore chloroform sampling is required and the results included as part of the TTO sampling. Chloroform sampling is required quarterly. This limitation and the sampling frequency are unchanged from the previous permit.

Total Residual Chlorine

The permit contains Total Residual Chlorine limitations of 0.83 mg/l, daily maximum, and 0.48 mg/l, weekly average. These limitations are based on the flow, the Vermont Water Quality Standards and a receiving water 7Q10 of 167 cfs. Specifically as follows:

Instream Standard for chlorine: 0.011 mg/l chronic & 0.019 mg/l acute

Discharge flow (DF) in cfs: 2.5 mgd/0.646 cfs/mgd = 3.87 cfs

Receiving water 7Q10: 167 cfs

Instream Waste Concentration (IWC) = $3.87 / (167 + 3.87) = .023$

Effluent Limit formula = Instream Standard / IWC

Chlorine Effluent Limits = Chronic: 0.48 mg/l, Acute: 0.83 mg/l

Sampling is required daily. These limitations and the sampling frequency are unchanged from the previous permit.

pH

The pH limitation is 6.5 to 8.5 Standard Units and is unchanged from the previous permit. This limitation is based on Section 3-01.B.9 of the Vermont Water Quality Standards effective July 2, 2000. Sampling is required twice per month and is unchanged from the previous permit.

Discharge Point S/N 002 (Stormwater Runoff)

Organic Compounds

Due to past releases of various manufacturing organic chemicals, the stormwater runoff collected and discharged via S/N 002 may contain trace amounts of these chemicals. Therefore the previous permit contained a "monitor only" requirement for trichloroethylene, tetrachloroethylene, 1,1,1 trichloroethane, total dichloroethenes, vinyl chloride, and isopropyl alcohol. A review of the monitoring data collected during the previous permit indicates that these chemicals were generally below the limit of detection. The permit proposes to maintain the "monitor only" sampling requirement to ensure that the quality of the discharge does not change. Based on sampling conducted during the past permitting period, the monitoring frequency is being reduced from twice per month to once per month

pH

The pH limitation is 6.5 to 8.5 Standard Units and is unchanged from the previous permit. This limitation is based on Section 3-01.B.9 of the Vermont Water Quality Standards effective July 2, 2000. In order to coincide with the sampling frequency for the Organic Compounds discussed above, pH sampling is being reduced to once per month.

Discharge Point S/N 002 (Ozone and Carbon Treatment System)

Flow

The flow limitation for the ozone and carbon treatment system which treats contaminated groundwater, wastewater generated from air pollution control equipment, and other miscellaneous wastewaters remains at 0.75 mgd, maximum day, and is unchanged from the previous permit. This limitation is based on the application and the treatment system's design flow. This is a continuous discharge.

Trichloroethylene

Trichloroethylene is present in groundwater entering the treatment system. The previous permit contained a monthly average trichloroethylene effluent limitation of 81 ug/l which was based upon the instream criteria for Organisms Only Consumption in the Vermont Water Quality Standards and the effluent quality that can be produced from the treatment system. Specifically, it was the Department's best professional judgement that a properly operating ozone and carbon treatment system could produce an effluent that could comply with the water quality standard (81 ug/l) at the point of discharge. This permit maintains this effluent limitation. Sampling is required twice per month and is unchanged from the previous permit.

Tetrachloroethylene

Tetrachloroethylene is present in groundwater entering the treatment system. The previous permit contained a monthly average tetrachloroethylene effluent limitation of 8 ug/l which was based on the instream criteria for Organisms Only Consumption in the Vermont Water Quality Standards and the effluent quality that can be produced from the treatment system. Specifically, it was the Department's best professional judgement that a properly operating ozone and carbon treatment system could produce an effluent that could comply with the water quality standard (8 ug/l) at the point of discharge. This permit maintains this effluent limitation. Sampling is required twice per

month and is unchanged from the previous permit.

Total Dichloroethenes

Dichloroethenes result from the breakdown of trichloroethylene and tetrachloroethylene and are present in groundwater entering the treatment system. The effluent limitation contained in the previous permit (12 mg/l) was established in 1986 as part of 1272 Order No. 7-8605 and was based on a Health Advisory in effect at that time. However Appendix C of the current Vermont Water Quality Standards does not contain any criteria for total dichloroethenes. Therefore the effluent limitation has been eliminated. However it is the Agency's position that monitoring for total dichloroethenes is necessary to ensure the quality of the discharge does not change. Sampling is required twice per month and is unchanged from the previous permit.

Vinyl chloride

Vinyl chloride results from the breakdown of trichloroethylene and tetrachloroethylene and is present in groundwater entering the treatment system. The previous permit contained a monthly average vinyl chloride effluent limitation of 525 ug/l which was based upon the instream criteria for Organisms Only Consumption in the Vermont Water Quality Standards and the effluent quality that can be produced from the treatment system. Specifically, it was the Department's best professional judgement that a properly operating ozone and carbon treatment system could produce an effluent that could comply the water quality standard (525 ug/l) at the point of discharge. This permit proposes to maintain this effluent limitation. Sampling is required twice per month and is unchanged from the previous permit.

Ethylbenzene and xylene

Since ethylbenzene and xylene are present in the extracted groundwater in low concentrations, a "monitor only" requirement with sampling twice per month was established in 1991 to determine the effectiveness of the ozone/carbon treatment system. Since sufficient data has now been gathered on the effectiveness of the treatment system and ethylbenzene and xylene concentrations, the Agency believes that the monitoring for ethylbenzene and xylene can be reduced to quarterly.

Discharge Points S/N 004, 006, 008, 011, 012, 013, and 017 (Stormwater runoff, underdrain discharges, and intermittent non-contact cooling water)

Due to past releases of various manufacturing organic chemicals, the stormwater runoff and groundwater collected and discharged via these discharge points could contain trace amounts of those chemicals. Therefore the previous permit contained a "monitor only" requirement for trichloroethylene, tetrachloroethylene, 1,1,1 trichloroethane, total dichloroethenes, vinyl chloride, and isopropyl alcohol. A review of the monitoring data collected during the previous permit indicates that these chemicals were generally below the limit of detection and in all cases would be below the water quality based effluent limitation. The permit proposes to maintain the "monitor only" sampling requirement to ensure that the quality of these discharge does not change. Sampling is required quarterly and is unchanged from the previous permit.

pH

A pH limitation is 6.5 to 8.5 Standard Units is applied to these discharge points and is unchanged from the previous permit. This limitation is based on Section 3-01.B.9 of the Vermont Water Quality Standards effective July 2, 2000. Sampling is required quarterly and is unchanged from the previous permit. If the sampling results exceed the limitations, then permittee is required to sample the receiving water upstream and 50 feet downstream of the outfall. If the downstream sample shows no measurable difference then the discharge will be considered in compliance with the permit limitations.

Discharge Points S/N 009, 010, 014, 015, 016, 018, and 019 (Stormwater runoff)

The previous permit authorized the discharge of stormwater from buildings, roadways, parking and natural terrain via these discharge points. The proposed permit continues to authorize these discharges.

V. Changes from Previous Permit

Stormwater Pollution Prevention Plan

Per 40 CFR Part 122, the permittee is required to prepare a Stormwater Pollution Prevention Plan (SWPPP) for stormwater discharges associated with this industrial facility. Consequently the permit requires the development and implementation of a SWPPP within 180 days after the effective date of this permit. The goal of the SWPPP is to eliminate or reduce the potential discharge of pollutants through the stormwater management system. The SWPPP requires the permittee to review the physical layout of the site, equipment, operational procedures, operator training and the stormwater management system. The object of this review is to protect waters of the State by eliminating or minimizing the potential discharge of any pollutants. The SWPPP requirement will become an enforceable condition of this permit upon the effective date of the permit.

VI. Procedures for Formulation of Final Determinations

The public comment period for receiving comments on this draft permit is from April 14, 2003 through May 13, 2003 during which time interested persons may submit their written views on the draft permit. All written comments will be retained by the Department and considered in the formulation of the final determination to issue, deny or modify the draft permit. The period of comment may be extended at the discretion of the Department.

Written comments should be sent to:

Vermont Agency of Natural Resources
Department of Environmental Conservation
Wastewater Management Division - Sewing Building
103 South Main Street
Waterbury, VT 05671-0405

Comments may also be faxed to: 802-241-2596.

Any interested person or groups of persons may request or petition for a public hearing with respect to this draft permit. Any such request or petition for a public hearing shall be filed within the public comment period described above and shall indicate the interest of the party filing such request and the reasons why a hearing is warranted.

The Department will hold a hearing if there is significant public interest in holding such a hearing. Any public hearing brought in response to such a request or petition will be held in the geographical area of the proposed discharge or other appropriate area, at the discretion of the Department and may, as appropriate, consider related groups of draft permits. Any person may submit oral or written statements and data concerning the draft permit at the public hearing. The Department may establish reasonable limits on the time allowed for oral statements and may require the submission of statements in writing. All statements, comments, and data presented at the public hearing will be retained by the Department and considered in the formulation of the final determination to issue, deny, or modify the draft permit.

The complete application, draft permit, and other information are on file and may be inspected at the VTDEC, Wastewater Management Division, Waterbury Office. Copies will be made at a cost based on the current Secretary of State Official Fee Schedule for Copying Public Records from 8:00 am to 4:00 pm, Monday through Friday.

During the comment period described above, requests for a public hearing were received. In response to these requests, a public hearing was held on June 25, 2003. The hearing was noticed in the Burlington Free Press on May 25, 2003 and the public comment period remained open through June 27, 2003. Comments were received during the public notice period and at the public hearing. Comments were submitted from the Conservation Law Foundation, Vermont Natural Resources Council, Vermont Public Interest Research Group, National Wildlife Federation, Vermont Sierra Club, Vermonters for a Cleaner Environment, and the Lake Champlain Committee. The Agency also received comments from approximately 20 citizens. The comments and the Agency's responses are contained in a "Response Summary" document.