



Annual Report for General Permit 3-9014 (2018) MS4

National Pollutant Discharge Elimination System (NPDES) Number: VTR040000 for Stormwater

Discharges from Small Municipal Separate Storm Sewer Systems (MS4)

Prepared for:



Burlington International Airport
South Burlington, Vermont

Prepared by:



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April 1, 2021

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1.0 ANNUAL REPORT FOR GENERAL PERMIT 3-9014(2018) MS4

1.1 INTRODUCTION

The MS4 General Permit 3-9014 requires that the Burlington International Airport (BTV) submit an annual report that outlines the status of its compliance with respect to the permit conditions by April 1 of each year of the permit term.

1.1.1 Background

In June 2003, April 2008, June 2013, and on January 23, 2019, the Burlington International Airport (BTV) submitted a Notice of Intent (NOI) for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4) to the Vermont Agency of Natural Resources to meet the regulations associated with the Environmental Protection Agency Phase II Stormwater Rule.

The Vermont Department of Environmental Conservation (VT DEC) issued General Permit 3-9014 (2012) for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4) on December 5, 2012. Designed to address pollution from stormwater runoff, the updated MS4 permit had jurisdiction over twelve municipalities and three institutional entities in the Lake Champlain watershed. The General Permit 3-9014 (2012) included an additional condition to develop and submit a Flow Restoration Plan (FRP) for the portion of each stormwater-impaired watershed located within a permittee's boundaries.

BTV was reapplied and received authorization under General Permit No. 3-9014 (2012) for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4) on October 1, 2013. Per the re-authorized permit, BTV is required to submit a report on a semi-annual basis on the development and implementation of the FRP.

The Vermont DEC issued General Permit 3-9014 (2018) for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4) on July 27, 2018. Designed to address pollution from stormwater runoff, the updated MS4 permit applies to thirteen municipalities and three institutional entities in the Lake Champlain watershed. Communities already subject to the 2003 MS4 General Permit include Burlington, Colchester, Essex, Essex Junction, Milton, Shelburne, South Burlington, Williston and Winooski. The three institutional entities include

the Burlington International Airport, the University of Vermont, and the Vermont Agency of Transportation (VTrans) within the geographical boundaries of these municipalities. VT DEC has since authorized the TS4 Permit to address VTrans' responsibilities. An additional condition of General Permit 3-9014 (2018) is the requirement of a Phosphorus Control Plan (PCP) for developed lands in the associated Total Maximum Daily Loads (TMDL) lake segments as applied to municipally owned, developed lands.

To meet the requirements of the MS4 permit, BTV has developed and updated an annual Stormwater Management Program (SWMP) designed to reduce the discharge of pollutants from the airport, to protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act.

The SWMP contains information on how BTV has implemented six minimum stormwater runoff control measures and BTV's compliance with the re-authorized MS4 permit Section 8.0 (TMDL Implementation) for the development and implementation of a Stormwater Flow Restoration Plan, Lake Champlain Phosphorus Control Plan (PCP) and Municipal Road Requirements.

The SWMP also contains the Stormwater Pollution Prevention Plan which describes the BTV facility and its operations, develops an inventory of potential pollutant sources, identifies controls and best management practices (BMPs) for reducing the discharge of pollutants in stormwater runoff, and outlines measures for implementation and review of this plan. The Stormwater Pollution Prevention Plan was developed as a requirement of the Multi-Sector General Permit 3-9003 (MSGP).

As noted above, BTV submitted an NOI for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4) including updated SWMP for VT DEC review and approval on January 23, 2019. Permit No. 7021-9014.A2R was subsequently issued on April 30, 2019.

1.2 VERMONT DEC MS4 2019 ANNUAL REPORT FORM

BTV is required to submit an annual report that outlines the status of compliance with permit conditions by April 1 of each year of the permit term. A completed Municipal Separate Storm Sewer System (MS4) 2020 Annual Report form as provided by VT DEC is presented on the following pages of this report.

2.0 ANNUAL REPORTING SUMMARY FOR INCORPORATED OPERATIONAL STORMWATER DISCHARGE PERMITS

2.1 INTRODUCTION

During the 2020 reporting year, BTV was subject to three Operational Stormwater Discharge Permits. On April 30, 2019, three of BTV's active Operational Stormwater Discharge Permits were incorporated into BTV's MS4 General Permit authorization. To date, fourteen Operational Stormwater Discharge Permits have been incorporated. See below for a summary.

2.1.1 Current Status of Operational Stormwater Discharge Permits

BTV operational Stormwater Discharge Permits and their current status are listed as follows:

- Permit No. 3028-9010.A (BTV's Master Permit) – **Incorporated into MS4**
- Permit No. 1-1391 (South Apron Expansion) – **Incorporated into MS4**
- Permit No. 1-0839 (Redirect Airfield Drainage to North Outfall) – **Incorporated into MS4**
- Permit Nos. 3028-9010.2 (Taxiways 'B', 'C', 'J', and 'G'); Muddy Brook watershed – **Incorporated into MS4**
- Permit No. 3028-INDS.AR (Taxiways 'B', 'C', 'J', and 'G'); Potash Brook watershed - **Incorporated into MS4**
- ~~Permit No. 3028-9010.1 (Reconstruct, Mark, and Groove Runway 15-33) --~~ **Terminated**
- Permit No. 3845-9010 (Heritage Flight Aviation Campus Expansion) – **Incorporated into MS4**
- Permit No. 3028-9015.1 (Quarry Area Access Road) - **Incorporated into MS4**
- Permit No. 3028-INDS.3 (Aircraft Sewage Receiving Station) - **Incorporated into MS4**
- Permit No. 3845-9015.1 (Heritage Aviation Parking Lot) - **Incorporated into MS4**
- Permit No. 3028-9015.2 (Construct, Mark, and Light Taxiway 'G'/'K') – **Incorporated into MS4**

- Permit No. 3028-INDS.4 (BTV Consolidated Car Rental Facility) - **Incorporated into MS4**; Construction commenced in 2019 with anticipated completion in 2020
- Permit No. 3028-INDS.3 (Taxiway B Extension) – **Incorporated into MS4**; Construction has not yet commenced. Anticipated during Year 2021.
- Permit No. 3028-INDS.6A (Parallel Taxiway ‘G’, Phase 2) – **Incorporated into MS4; Construction has not yet been completed. Overall project construction began in September of 2017 with anticipated completion in 2020. S/N 001 was completed in 2018 with S/N 002 anticipated completion in 2020.**
- Permit No. 3028-INDS.7 (VT ANG Taxiway ‘F’ Widening and a portion of Reconstruct, Mark, and Groove Runway 15-33) – **Incorporated into MS4; Overall project construction began in the Fall, 2017 with completion in the Fall, 2019. S/N 002 was completed in the Fall, 2019.**
- Permit No. 3028-9015.4 (BTV Hotel) – **Active; not constructed. Construction anticipated to commence in 2021.**

New Operational Stormwater Discharge Permits issued during the 2020 reporting period include:

- Permit No. 3028-INDS.8 (Heritage Flight Hangar Addition) – **Active; not constructed. Construction anticipated to commence in 2022.**
- Permit No. 3028-INDS.9 (Remain Overnight Apron – Phase 7) - **Active; not constructed. Construction anticipated to commence in 2021.**
- Permit No. 3028-INDS.10 (BETA Hangar Site) - **Active; not constructed. Construction anticipated to commence in 2021.**

2.1.2 Inspection Summary

MS4 Permit Nos. 3028-9010.A, 3028-9010.2, 3028-INDS.AR, 3845-9010, 3028-INDS.3, 3845-9015.1, 3028-9015.2, 3028-INDS.3, and 3028-9010.1 (now terminated) each require an annual inspection to evaluate and document the operation, maintenance, and condition of the stormwater collection, treatment, and control systems. Stantec personnel performed these annual on-site inspections between April 29 and June 6, 2019. See [Appendix H](#) for a listing of Field Inspection Maintenance Recommendations.

For reference, a complete in-depth summary of all inspection reports can be found in Appendix B as contained in BTV’s MSGP Annual Report for 2020 dated April 1, 2021.

MS4 Permit Nos. 1-1391 and 1-0839 require quarterly inspections to be performed. Stantec personnel performed these quarterly on-site inspections on May 15, September 17, and October 21, 2019 and March 9, 2020.

MS4 Permit No. 3028-9015.1 requires semi-annual inspections to be performed. Stantec personnel performed these semi-annual on-site inspections on May 13 and November 8, 2019.

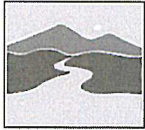
MS4 Permit No. 3028-INDS.4 (BTV Consolidated Car Rental Facility) was under construction (completed August 2020), and was therefore not inspected during the 2020 reporting period.

MS4 Permit No. 3028-INDS.3 (Taxiway B Extension) has not been constructed and was not inspected during the 2020 reporting period.

2.1.3 ANR Online Annual Reporting Forms

An ANR Online Annual Reporting Form was completed and submitted to VT DEC for the one active Operational Stormwater Discharge Permit noted below:

- Permit No. 3028-9015.4 (BTV Hotel, LLC) - **Has not been constructed to date and was not inspected during the 2020 reporting period.**
- Permit No. 3028-INDS.6A (Parallel Taxiway 'G', Phase 2) – **Incorporated into MS4; Construction has not yet been completed. Overall project construction began in September of 2017 with anticipated completion in 2020. S/N 001 was completed in 2018 with S/N 002 anticipated completion in 2021.**
- Permit No. 3028-INDS.8 (Heritage Flight Hangar Addition) – **Active; not constructed. Construction anticipated to commence in 2022.**
- Permit No. 3028-INDS.9 (Remain Overnight Apron – Phase 7) - **Active; not constructed. Construction anticipated to commence in 2021.**
- Permit No. 3028-INDS.10 (BETA Hangar Site) - **Active; not constructed. Construction anticipated to commence in 2021.**



A. Permittee Information									
1. Name of MS4: Burlington International Airport									
2. Permit Number: 7021 - 9014A2R									
B. Attached Documents									
The following documents have been prepared and submitted with this Annual Report:									
<input checked="" type="checkbox"/> Annual Report Workbook (.xlsx) <input checked="" type="checkbox"/> BMP Tracking Table (.xlsx)									
C. Certification of STPs constructed to comply with the FRP or PCP									
The following BMPs were built or implemented within the past calendar year and were constructed in compliance with the approved Flow Restoration Plan (FRP) or Phosphorus Control Plan (PCP).									
Name of System	Location								
Consolidated Rental Car Facility Infiltration Trench (applies to PCP)	1200 Airport Drive #1 South Burlington, VT 05403								
Taxiway G Underground Infiltration Tank and Chamber (applies to PCP)	1200 Airport Drive #1 South Burlington, VT 05403								
<table style="width:100%; border:none;"> <tr> <td style="width:60%;">Jacqueline Dagesse</td> <td style="width:40%;">Environmental Engineer</td> </tr> <tr> <td>Name of Qualified Designer</td> <td>Title</td> </tr> <tr> <td>Jacqueline Dagesse <small>Digitally signed by Jacqueline Dagesse Date: 2021.03.26 14:35:46 -04'00'</small></td> <td>3/26/2021</td> </tr> <tr> <td>Signature</td> <td>Date</td> </tr> </table>		Jacqueline Dagesse	Environmental Engineer	Name of Qualified Designer	Title	Jacqueline Dagesse <small>Digitally signed by Jacqueline Dagesse Date: 2021.03.26 14:35:46 -04'00'</small>	3/26/2021	Signature	Date
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Name of Qualified Designer	Title								
Jacqueline Dagesse <small>Digitally signed by Jacqueline Dagesse Date: 2021.03.26 14:35:46 -04'00'</small>	3/26/2021								
Signature	Date								
D. MS4 Operator Certification									
This Annual Report 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:									
<p>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.</p>									
<table style="width:100%; border:none;"> <tr> <td style="width:60%;">Gene Richards</td> <td style="width:40%;">Director of Aviation</td> </tr> <tr> <td>Print Name</td> <td>Title</td> </tr> <tr> <td></td> <td>3-31-21</td> </tr> <tr> <td>Signature</td> <td>Date</td> </tr> </table>		Gene Richards	Director of Aviation	Print Name	Title		3-31-21	Signature	Date
Gene Richards	Director of Aviation								
Print Name	Title								
	3-31-21								
Signature	Date								

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BURLINGTON INTERNATIONAL AIRPORT

**Annual Report for General Permit
3-9014 (MS4)
including
Annual Reporting Summary for
MS4-Incorporated Operational
Stormwater Discharge Permits**

April 1, 2020

Appendix A

Annual Report Workbook

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**Burlington International Airport (BTV)
2019 MS4 Annual Report Workbook
Date: April 1, 2021**

Minimum Control Measure Reporting						
GP Part 6.2	MCM Requirements	Measurable Goal	Description of how requirement was met	List attachments if applicable	Activities planned for next year	Proposed change in BMP or measurable goal?
MM#1: Public Education and Outreach on Stormwater Impacts						
1.c (1)	Website maintained with locally relevant stormwater information	BTV will maintain basic information about stormwater on a dedicated page within its website which describe its stormwater related programming and include links on same for visitors to learn more. BTV will track the annual number of visits to this page. http://www.btv.aero/index.php/airport-guide/community-connection	The link to BTV's Stormwater website is as follows: https://www.btv.aero/index.php/airport-guide/community-connection	None.	BTV will continue to maintain the website and track visitations.	None.
1.c (2)	Maintain a program to identify opportunities and provide technical assistance on Low Impact BMPs	BTV will provide links on a dedicated stormwater page within its website with links to relevant non-profits and government resource sites which can provide technical assistance.	On BTV's Stormwater website, links are provided to the Rethink Runoff website and also to the City of Burlington's Stormwater Management website.	None.	BTV will continue to provide links on its website to other stormwater related websites.	None.
1.c (3)	Participate in a regional stormwater education strategy or develop an MS4 specific program	BTV will participate in and provide financial support for operation of the regional Rethink Runoff campaign consisting generally of periodic advertising throughout each year supplemented by a survey of residents every 5 years to track reported behavior with regards to residential stormwater BMPs. Via an annual report provided by the Chittenden County RPC's subcontractor, BTV will document the annual number of site visits to www.rethinkrunoff.org as well as provide other metrics.	The link to the Rethink Runoff website is as follows: http://rethinkrunoff.org/	The RSEP Summary of Activities for the 2020 calendar year is presented in Appendix C.	BTV will continue to support the Chittenden County Regional Stormwater Education Program (RSEP)	None.
Other						
MM#2: Public Involvement and Participation						
2.d	Participate in a regional stormwater public involvement and participation strategy or develop an MS4 specific program	BTV will participate in and provide financial support for operation of the Rethink Runoff Stream Team consisting generally of both outreach and hands-on participation events in various MS4 towns on a rotating annual basis. Via an annual report provided by the Chittenden County RPC's subcontractor, BTV will document on an annual basis the number of participants and/or persons contacted by outreach events and hands-on activities through the Rethink Runoff Stream Team.	The link to the Stream Team website is as follows: http://rethinkrunoff.org/the-stream-team/	The RRST Summary of Activities for the 2020 calendar year is presented in Appendix D.	BTV will continue to support the Rethink Runoff Stream Team (RRST)	None.
Other	Advertisement Space	BTV has designated advertisement space in the terminal building for public participation and involvement. Entities that can use the space include other traditional and non-traditional MS4 communities, the State of Vermont, the Lake Champlain Committee, Friends of the Winooski River, and any other groups dedicated to the storm water pollution prevention and water quality. In addition, a banner displaying the RSEP web address is displayed in the baggage claim area.	BTV designates advertising space in the Terminal Building for public participation and involvement. There was a discussion in the MS4 subcommittee meeting on March 3, 2021 to dedicate a small portion of the budget to update the poster located at the baggage claim.	None.	BTV will continue to designate advertising space in the Terminal Building for public participation and involvement. A poster displaying the Rethink Runoff web address is displayed in the baggage claim area and will be updated in the coming weeks.	None.
Other	Storm Drain Tagging Program	All publicly viewed storm drains have been tagged. The tags are inspected and replaced each year as necessary.	All storm catch basins on the "Land Side" of the airport have been previously tagged. Each year, during the annual MSGP Comprehensive Site Inspection, all drainage structures including all "Land Side" catch basins are inspected. Should a catch basin be found to be missing a tag, a note is made on the inspector's report, and included in the Annual Maintenance Recommendation report for subsequent correction by BTV's Maintenance staff.	None.	BTV will continue to inspect all drainage structures annually and correct missing tags as necessary.	None.

**Burlington International Airport (BTV)
2019 MS4 Annual Report Workbook
Date: April 1, 2021**

Minimum Control Measure Reporting						
GP Part 6.2	MCM Requirements	Measurable Goal	Description of how requirement was met	List attachments if applicable	Activities planned for next year	Proposed change in BMP or measurable goal?
MM#3: Illicit Discharge Detection and Elimination						
3.a (1)	Develop and maintain a GIS or AutoCAD map of the storm sewers in the regulated MS4 showing all outfalls. Document how the storm sewer map will be maintained and improved, the source of the information, and the plan to verify the outfall locations with field surveys.	This mapping has been updated to include new development at the airport through January 2019. Electronic files of the mapping are maintained to be compatible with Geographic Information System (GIS) software. The files will be updated once a year to include new developments or information.	See Appendix E for facility site plan entitled <i>Burlington International Airport, Multi-Sector General Permit (MSGP) Site Drainage Map</i> dated April 1, 2012, with annual revisions through April 1, 2020 for locations of all labeled outfalls, water courses, wetlands, buildings, BMP's, and PPS's. The map is updated annually to reflect the stormwater infrastructure changes at BTV. All outfalls have been renumbered and referenced with GPS locations for latitude and longitude information per the upcoming MSGP requirements.	See Appendix E for facility site plan entitled <i>Burlington International Airport, Multi-Sector General Permit (MSGP) Site Drainage Map</i>	BTV will continue to update and maintain the facility site plan.	None.
3.a (2)	Develop ordinance or policy prohibiting non-stormwater discharges and implement enforcement procedures	All non-stormwater discharges to the BTV storm sewer system other than those listed in Volume 2 – Stormwater Pollution Prevention Plan, Section 4 are strictly prohibited.	Currently, all illicit discharges from BTV have been detected and eliminated. In the event future monitoring results reveal the presence of illicit discharges, BTV will establish a plan to track and eliminate the illicit discharge on a case-by-case basis.	None.	BTV will continue to monitor all stormwater infrastructure and outfalls for signs of illicit discharges.	None.
3.a (3)	Develop and implement a plan to detect and address non-stormwater discharges	1) BTV will review and update the SWMP each year. 2) BTV will complete outfall monitoring as outlined in the monitoring schedule contained in the SWPPP (Volume 2). 3) BTV will participate in annual trainings for airport staff and tenants provided by DEC (Section 2.6.3).	Requirement is met as follows: 1) BTV continues to review and update the SWMP annually as part of the MS4 Annual Report development. 2) BTV continues to complete outfall monitoring as outlined in the monitoring schedule contained in the SWPPP (SWMP, Volume 2) and as required for MSGP requirements. 3) When coordinated by VT DEC, BTV will participate in annual trainings for airport staff and tenants when made available.	None.	BTV will continue to update the SWMP annually, monitor all stormwater infrastructure and outfalls, and participate in annual Municipal Training Sessions when made available.	None.
3.a (4)	Inform public on the dangers of illegal discharges	Not applicable.				
3.a (6)	Status of monitoring activities:					
	Outfalls Inspected:	There are nineteen stormwater outfalls to surface waters or wetlands at BTV. Fifteen of these outfalls are controlled and inspected by BTV. Four outfalls are controlled and inspected by VTANG.	BTV satisfies this requirement by adhering to all MSGP monitoring and inspection requirements including quarterly benchmark monitoring, quarterly visual assessments, annual comprehensive site inspections, and monthly BMP/PPS inspections.	None.	BTV will continue to monitor all stormwater infrastructure per MSGP and MS4 requirements.	None.
	Number of dry-weather samples taken:	Two.	One set of snow melt discharge samples located at two primary outfalls (Outfall Nos 1 and 11) were taken during the reporting period.	None.	BTV will continue to monitor all stormwater infrastructure per MSGP and MS4 requirements.	None.
	Feet of stormwater drainage pipe inspected:	Perform all MSGP monitoring and inspection requirements including quarterly benchmark monitoring, quarterly visual assessments, annual comprehensive site inspections, and monthly BMP/PPS inspections.	Approximately 310 catch basins, 125 drainage manholes, 2,390 LF of trench drains, 4 swirl separators, and 15 outfalls were inspected during the reporting period.	None.	BTV will continue to monitor all stormwater infrastructure per MSGP and MS4 requirements.	None.
	Discharges Detected:	No discharges detected.	None, Not Applicable.	None.	BTV will continue to monitor all stormwater infrastructure per MSGP and MS4 requirements.	None.
Discharges Corrected:	No discharges corrected.	None, Not Applicable.	None.	BTV will continue to monitor all stormwater infrastructure per MSGP and MS4 requirements.	None.	
Other						

Burlington International Airport (BTV)
2019 MS4 Annual Report Workbook
Date: April 1, 2021

Minimum Control Measure Reporting						
GP Part 6.2	MCM Requirements	Measurable Goal	Description of how requirement was met	List attachments if applicable	Activities planned for next year	Proposed change in BMP or measurable goal?
MM#4: Construction Site Stormwater Runoff Control						
4.a (1)	Develop and implement procedures to ensure that construction activities undertaken by the MS4 are properly permitted	All new projects will be covered by the applicable State stormwater permit and/or conform to BTV policy as outlined in the SWMP.	BTV currently has seven active Individual Construction Stormwater Discharge Permits (INDC permits) for the following projects: 1) BTV Housing Removals on Airport Acquired Land, Permit # 3028-INDC.A 2) BTV Rehabilitation of Portions of the Terminal Apron Phases 3 - 9, Permit # 3028-INDC.2 3) BTV Consolidated Rental Car Facility (QTA), Permit # 3028-INDC.4 4) BTV Taxiway 'B' Extension, Permit # 3028-INDC.5 (Note this project has not been constructed to date). 5) Taxiway 'G' Relocation, Phase 2, Permit # 3028-INDC.6 6) BTV Quarry Fill, Permit # 3028-INDC.7 7) BTV Hotel, Permit # 3028-INDC.8 (Note this project has not been constructed to date).	See Appendix F for a copy of all 7 active INDC permits.	BTV will continue to apply for INDC permits for all proposed construction activities.	None.
	Number of permitted MS4 construction projects:		Three of the above noted INDC projects are associated with an Operational Stormwater Discharge Permit (Permit # 3028-INDC.4, Permit # 3028-INDC.5, and Permit # 3028-INDC.6).	None.	None.	None.
4.a (2)	Review existing policies to determine effectiveness, consistency with state standards; Amend for consistency with state standards	Not applicable.				
4.a (3)	Develop and implement ordinance that regulates earth disturbance <1ac	The practices included in The Low Risk Site Handbook for Erosion Prevention and Sediment Control shall be implemented when necessary and as directed by the BTV Engineer.	Earth disturbance that is a normal part of the long-term use or maintenance of airport property (e.e. pipe and structure repairs, dirt road regrading, routine road and/or runway resurfacing) does not require coverage under the CGP-3-9020 (2020) or Individual Construction Permit. The practices included in The Low Risk Site Handbook for Erosion Prevention and Sediment Control dated February, 2020 will be implemented when necessary and as directed by the BTV Engineer.	None.	BTV will continue to use the Low Risk Site Handbook for Erosion Prevention and Sediment Control for proposed construction activities that may include earth disturbances..	None.
	Number of projects with <1ac of disturbance subject to MS4 requirements:	All current projects at BTV are > 1 acre.	Not Applicable.	None.	None.	None.
Other						
MM#5: Post Construction Stormwater Management for New Development and Redevelopment						
5.d	Review existing policies to determine effectiveness, consistency with state standards, opportunities for LID, and opportunities for changes to street and parking requirements; Amend for consistency with state standards	Not applicable.				
5.e	Develop and implement procedures to identify projects that disturb >1ac but do not require a state post-construction permit	BMP #2 Post Construction Runoff Control Plan	Three operational Stormwater Discharge Permits were issued to BTV during the reporting period: <ul style="list-style-type: none"> 3028-INDS.8 Heritage Flight Hangar Addition 3028-INDS.9 Remainn Overnight Apron (Phase 7) 3028-INDS.10 BETA AIR A Post-construction site inspection was completed in the reporting period for 2020 for the following five projects: <ul style="list-style-type: none"> House Removal on Airport-Acquired Land. Parallel Taxiway 'G', Phase 1 Rehabilitation of Portions of the Terminal Apron Consolidated Rental Car Facility (QTA) VT ANG Taxiway 'F' Widening and a portion of Reconstruct, Mark, and Groove Runway 15-33 (inspected by VT ANG). Development and implementation of BTV's plan to prevent or reduce pollutants in post-construction site runoff, including compliance with the DEC Stormwater Rules, is the most effective way to ensure appropriate protection of waters of the state following the completion of construction activities.	None.	BTV will continue to consult with VT DEC personnel on all projects during the conceptual phase regardless of projected disturbance area to determine requirements for an operational Stormwater Discharge Permit.	None.

**Burlington International Airport (BTV)
2019 MS4 Annual Report Workbook
Date: April 1, 2021**

Minimum Control Measure Reporting						
GP Part 6.2	MCM Requirements	Measurable Goal	Description of how requirement was met	List attachments if applicable	Activities planned for next year	Proposed change in BMP or measurable goal?
	Number of projects >1ac of disturbance <1ac of impervious:	None.	All projects that BTV commenced and/or completed during the reporting period had greater than 1 acre of disturbed area <u>and</u> greater than 1 acre of impervious area.	None.	None.	None.
5.f	Adopt an ordinance or policy that requires projects that disturb >1ac to utilize a combination of structural, non-structural, and low impact BMPs and ensure long-term maintenance	Source protection BMPs have been implemented at BTV to prevent and/or control pollutants in stormwater discharges from the site. Source protection BMPs are included in Volume 2 - Stormwater Pollution Prevention Plan, Section 5.	BTV Maintenance staff continue to follow area specific BMP procedures identified in the SWPPP for runway deicing, aircraft deicing, propylene glycol management, and maintenance of aircraft, vehicle, and equipment maintenance and cleaning areas. Additionally, BTV Maintenance staff continue to follow site wide BMP procedures identified in the SWPPP as they relate to spills, trash, catch basin cleaning, maintaining vegetated grassed areas, and continued regular maintenance of subsurface infiltration systems.	None.	BTV will continue to prevent and/or control pollutants in stormwater discharges from the all areas of the airport facility.	None.
5.g (1)	Develop and implement procedures for inspecting projects subject to the MS4's ordinance	Specification D-755 requires a Professional Engineer to inspect the stormwater management system to ensure compliance with the contract plans and specifications and the stormwater discharge permit issued for the project.	BTV's SWMP, Appendix C, contains Technical Specification D-755. The specification is included in all construction contracts.	None.	BTV will continue to include Technical Specification D-755 in all further construction contracts.	None.
	Number of STPs (without state permits) inspected by MS4:	Not applicable.				
5.g (2)	Develop and implement procedures to ensure that development activities undertaken by the MS4 are properly permitted	BTV has developed and implements procedures (BMP #2 Post Construction Runoff Control Plan) to identify projects that require an operational stormwater discharge permit and reporting these projects to the Secretary of ANR.	All new projects will be covered by the applicable State stormwater permit and/or conform to BTV policy. In order to identify projects that may require an operational Stormwater Discharge Permit, the following processes have been followed: <ol style="list-style-type: none"> 1. Meet with VT ANR Stormwater Section personnel to discuss and review the project during design phase. 2. Follow direction or finding(s) provided by VT ANR Stormwater Section personnel as to whether an operational Stormwater Discharge Permit is required. 3. Document direction or finding(s) in meeting notes or meeting minutes. 	None.	BTV intends to seek an amendment to the BTV Hotel project (ref. Stormwater Discharge Permit #3028-9015.4.) as the project site has been changed due to conflicts with the FAA Radar site.	None.
Other	Inspection and Maintenance of STPs	Annually, all catch basins will be inspected and cleaned if necessary. In the event that a catch basin with a standard sump depth of 24" is inspected and found to contain greater than 12" depth of sediment, a recommendation will be made to clean out the sump. All permitted long-term structural best management practices (BMPs) at BTV will be inspected in accordance with the terms of the permit.	BTV currently performs all MSGP and MS4 inspection requirements including annual comprehensive site inspections, inspections required under individual Operational Stormwater Discharge Permits, and performance of monthly BMP/PPS inspections. Should a catch basin be found to contain greater than 12" depth of sediment, a note is made on the inspector's report, and included in the Annual Maintenance Recommendation report for subsequent correction and pumping out by BTV's Maintenance staff.	None.	BTV will continue to monitor all stormwater infrastructure per MSGP and MS4 requirements.	None.
Other	Stormwater Management System Certification	Specification D-755: Permitted Stormwater Management System Certification shall be included in all construction contracts that have permit coverage for operational stormwater management systems. Specification D-755 requires a Professional Engineer to inspect the stormwater management system to ensure compliance with the contract plans and specifications and the stormwater discharge permit issued for the project.	BTV's SWMP, Appendix C, contains Technical Specification D-755. The specification is included in all construction contracts.	None.	BTV will continue to include Technical Specification D-755 in all further construction contracts.	None.

**Burlington International Airport (BTV)
2019 MS4 Annual Report Workbook
Date: April 1, 2021**

Minimum Control Measure Reporting						
GP Part 6.2	MCM Requirements	Measurable Goal	Description of how requirement was met	List attachments if applicable	Activities planned for next year	Proposed change in BMP or measurable goal?
MM#6: Pollution Prevention and Good Housekeeping for Municipal Operations						
6.b (2)	Conduct stormwater training for staff	BTV will conduct trainings annually to ensure that airport staff and tenants are following all rules and regulations. New employees will be trained within two weeks of hire. BTV documented the number of BTV staff who have received the educational presentation using a sign-in attendance sheet.	BTV staff were provided with a live training presentation on June 15, 2017, including educational information on stormwater pollution awareness and water quality issues as they affect the BTV facility. The approximately 45-minute training presentation was developed and presented by representatives of Stantec Consulting Services Inc., who are knowledgeable in stormwater pollution awareness and current water quality issues. The presentation was tape-recorded. Currently, staff and tenants are provided the presentation and accompanying quiz per MS4 permit requirements.	None.	BTV will continue to provide the presentation to staff and tenants.	None.
6.b (3)	Implement controls for reducing or eliminating the discharge of pollutants from the MS4	SWPPP - Section 5.5; Inspection and Maintenance procedures in the O&M Manual for each BMP; Source protection, area specific, site-wide BMPs, and procedures for spill response and vehicle/equipment washing include in SWPPP Section 5.	BTV has a Spill Prevention, Control, and Countermeasure Plan (SPCCP) prepared by ATC Group Services LLC (dated February 8, 2017) to help meet this measure. The SPCCP has been incorporated as an appendix into BTV's SWPPP.	None.	BTV's SPCCP has been updated and spill training is planned for April 2021.	None.
	STPs constructed, upgraded, & maintained	During the 2020 reporting period, BTV initiated construction of the <i>BTV Consolidated Car Rental Facility</i> , Stormwater Discharge Permit No. 3028-INDS.4. Construction on S/N 001 continues with anticipated completion scheduled for June 30, 2020. Additionally, VTANG completed construction of the <i>VT ANG Taxiway 'F' Widening and a portion of Reconstruct, Mark, and Groove Runway 15-33</i> project including S/N 002 for Stormwater Discharge Permit No. 3028-INDS-7. To date, BTV has been unable to receive a copy of the Designer's Initial Statement of Compliance from VTANG for this facility to date.	See Appendix B for listings in the BMP tracking table.	See Appendix B for BMP tracking table.	While not incorporated into the MS4 to date, BTV anticipates construction of the BTV Hotel during the 2022 construction season, reference Stormwater Discharge Permit No. 3028-9015.4. BTV anticipates continued construction of the BTV Consolidated Car Rental Facility, Stormwater Discharge Permit No. 3028-INDS.4 and Parallel Taxiway 'G', Phase 2, Stormwater Discharge Permit No. 3028-INDS.6A.	None.
	STPs incorporated into the MS4	During the 2020 reporting period on April 30, 2019, Stormwater Discharge Permit Nos. 3028-9015.3 (<i>Taxiway 'B' Extension</i>), 3028-INDS-6A (<i>Parallel Taxiway 'G', Phase 2</i>), and 3028-INDS-7 (<i>VT ANG Taxiway 'F' Widening and a portion of Reconstruct, Mark, and Groove Runway 15-33</i>) were incorporated into the MS4.	See Appendix B for listings in the BMP tracking table.	See Appendix B for BMP tracking table.	BTV may request incorporation of the BTV Hotel, reference Stormwater Discharge Permit No. 3028-9015.4, into the MS4 in the future.	None.
	Inspections performed on fleet vehicles, buildings, garages, parks, open spaces	A measurable goal for this was not identified in BTV SWMP.	Yes, as a result of BTV's comprehensive site inspections, maintenance items were identified and all items have been completed or are currently pending completion.	See Appendix H for a listing of 2019 Maintenance Recommendations.	BTV will continue to monitor all stormwater infrastructure per MSGP and MS4 requirements.	None.
	Catch basin cleaning	BTV cleaned catch basins on site and recorded the total volume of material removed. Details are recorded in 'Non Structural BMPs' tab.	See 'Non Structural Tab' for further information.	Not Applicable	Continue catch basin cleaning program per the SWMP and as noted above under per MM #5.	None.
	Street Sweeping	BTV swept all pavement periodically and provided a measurement of lane miles swept as well as an estimated total amount of material removed from pavement. Details are recorded in 'Non Structural BMPs' tab.	See 'Non Structural Tab' for further information.	Not Applicable	Continue the street sweeping program on a weekly basis.	None.

Burlington International Airport (BTV)
2019 MS4 Annual Report Workbook
Date: April 1, 2021

Minimum Control Measure Reporting						
GP Part 6.2	MCM Requirements	Measurable Goal	Description of how requirement was met	List attachments if applicable	Activities planned for next year	Proposed change in BMP or measurable goal?
	Leaf/organic waste removal program	As an airport, BTV does not have a formal leaf/organic waste removal program similar to a typical municipality as there are no trees on the air field side of the facility.	BTV does not have a formal leaf/organic waste removal program as there are no trees on the air field side of the facility. However, leaves are removed in the Fall on an as needed basis from the open green spaces where approximately 120 houses have been purchased and removed by BTV.	Not Applicable	Leaf and organic waste removal on an as needed basis.	None.
6.b (4)	Develop and implement procedures for proper disposal of wastes	BTV has developed proper handling, storage and disposal procedures for removed wastes. Procedures are included in Volume 2 - Stormwater Pollution Prevention Plan.	BTV Maintenance staff recycles and/or properly disposes of all waste materials regularly in an approved fashion.	None.	BTV will continue to dispose of all waste materials regularly in an approved fashion.	None.
6.c	Prohibit use of phosphorus containing fertilizers on facility operations unless warranted by a soil test; submit copy of test	Not applicable.				
6.d	Participate in the Agency's Municipal Compliance Assistance Program (or other audit program) for municipal garages	BTV has participated in the Municipal Compliance Assistance Program.	BTV last participated in 2016.	Not Applicable	None at this time.	None.
	Other					

Additional MS4 Reporting Requirements	
Annual Review of SWMP completed	Yes. BTV has developed a SWMP to meet these requirements, and will continue to review and update the plan annually as necessary.
Results of information collected and analyzed, if not included elsewhere	Not Applicable.
Notice that permittee is relying on another entity to satisfy some of its permit obligations	The VT DEC and the contributing MS4s permittees within these watersheds have signed an MOA to perform monitoring and other data collection required under the MS4 permitting program. This group has approved a Memorandum of Agreement (MOU) with Stone Environmental, Inc. to install, maintain, and collect data, and report for all flow monitoring stations to obtain compliance with the flow monitoring requirements of their MS4 permits. Establishment and maintenance of the stream gauge stations began in 2016. Each streamflow monitoring station collects data at five minute intervals, and the gauging data is available for review on a website: http://vt-ms4-flow.stone-env.com/FlowDev/index.html . Each MS4 permittee, including BTV, has been assigned a percentage of the total cost of the contracted work over a five-year timeframe, in 2020 BTV contributed \$2087.
Estimated funds spent on stormwater management for the fiscal year*	Approximately \$2,100,000 for FY 2020.
Other information, if applicable	Not Applicable.

Impaired Waters Response Plan			
Impaired Stream	Potash Brook	Centennial Brook	Muddy Brook
Impairment	E. Coli	Stormwater	Muddy Brook, mouth to seven miles upstream (VT08-02), had been on the 303(d) List of Impaired Waters since 1996 for non-support of aquatic biota due to nutrients and temperature, and was listed as impaired for aquatic life. In 2014, this stream was proposed for delisting since biological monitoring rated the stream as "good" for three monitoring periods in a row (2003, 2010, and 2011), thereby indicating compliance with Vermont's water quality standards. Based on this information, EPA approved this delisting in September 2014, and Muddy Brook in the vicinity of BTV is no longer considered an impaired water.
Status of implementation	Approved TMDL.	Approved TMDL.	None.
Planned activities for upcoming year	None.	None.	None.
Other information, if applicable	Not Applicable.	Not Applicable.	Not Applicable.

* Optional response.



Non Structural BMP Reporting

Complete Table 1 or 2, depending on tracking method used by MS4

Table 1. Area tracking method			
Sub Area Name (Lake segment, route, etc.)			
Area of streets swept (acres)	Approximately 0.75 acres	A = 2045 + 709 LF + 2754 LF = 0.52 miles @ 12' lane = 33048 SF/43560 = 0.75 acre	
P Load from Streets where sweeping occurs (kg/year)	1.34		
Sweeper Frequency	Weekly		
Sweeper Technology	Mechanical Broom		
Year sweeping started	2000		
If weekly or monthly, number of months streets are swept	6		
Phosphorus Credit	0.00%		
Phosphorus Reduction from Street Sweeping (kg/year)	0		
Catch Basin Cleaning			
P Load from Streets where catch basin cleaning occurs (kg/year)	Unknown without laboratory analysis.		
Phosphorus Credit	2%	2%	2%
Phosphorus Reduction from Catch Basin Cleaning(kg/year)			

Table 2. Measurement of material tracking method	
Combined dry weight of material collected (kg)	
OR Cubic yards of material collected	
Number of sediment samples taken	0
Lab where samples were processed	N/A
Record the average TP result	N/A
Was a particle size analysis done?	N/A
Please attach results from the lab	N/A

****There is currently no approved accounting methodology based on weight or volume of material collected. Should a method be developed, DEC anticipates information like that in Table 2 could be required.**

Table 3. Phosphorus Reduction Factor				
	2/year (spring and fall)	Monthly	Weekly	4X in the fall
Mechanical Broom	1%	3%	5%	17%
Vacuum Assisted	2%	4%	8%	17%
High Efficiency Regenerative Air-Vacuum	2%	8%	10%	17%

**Conversation with Travis Mott on 3/5/21: Street sweeping 1x a week April - October (call it 6 months and 24 weeks), don't have specific data on this, lengths were measured in Bluebeam

Flow Restoration Plan Implementation

	Centennial Brook	Potash Brook
Summary of actions taken to implement FRP components	<p>1. As part of BTV's FRP, the City of South Burlington constructed the Picard Circle Infiltration Gallery, Project ID CB0023 (Retrofit #25) during July and August, 2019. The project is complete.</p> <p>2. Discussions are on-going for cost sharing with the City of South Burlington for South Burlington ID CB0008, Retrofit #21, Dumont Avenue Infiltration Gallery. Construction was originally scheduled for 2020 but has been pushed back to allow Airport Dr/Airport Rd to be completed first.</p>	<p>South Burlington ID PB0009 at Airport Drive and Airport Rd will have the cost covered by a grant to the City of South Burlington and construction will likely take place summer of 2022.</p>
Extent of BMP implementation	<p>South Burlington Project ID CB0023, Retrofit #25, Picard Circle Infiltration Gallery is complete to date.</p>	<p>None.</p>
Estimate of the extent of completion for remaining items	<p>Discussions are on-going for cost sharing with the City of South Burlington for South Burlington ID CB0018, Retrofit #200, North Henry Court Infiltration Gallery. Construction is potentially scheduled for 2032.</p>	<p>The City of South Burlington expects to put a design bid out in the spring of 2021 and construction will follow in 2022 or 2023.</p>
Assessment of ability to meet outstanding schedule items	<p>On-track.</p>	<p>On-track.</p>

Stream Flow Monitoring Steam Corridor Protection

Participate in MOU with VTDEC to monitor sw impaired streams	<p>Yes. BTV signed the MOU on May 11, 2016 and continues to participate. Stream Monitoring will not be continued after December 2021.</p>	<p>Ordinance or regulation adopted to protect and regulate development in sw impaired water stream corridors</p>	<p>The requirement for Regulating Development In Stormwater Impaired Stream Corridors has been fulfilled for all previously permitted MS4 communities. Previously permitted MS4's, such as BTV, complied with these requirements in 2008 as part of a settlement agreement with the Conservation Law Foundation (CLF). The requirement for Enhanced Protection of Stormwater Impaired Stream Corridors has been fulfilled for all previously permitted MS4 communities. Previously permitted MS4's, such as BTV, complied with these requirements in 2008 as part of a settlement agreement with the Conservation Law Foundation (CLF).</p>
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Phosphorus Control Plan Development	
Extent of implementation of the Municipal Roads Standards	
Road Erosion Inventory (REI)	Not Applicable as BTV is a Non-Traditional MS4 community.
Map and identify connected curbed and catch basin road segments to specified outlets	Not Applicable as BTV is a Non-Traditional MS4 community.
Roads and Outlets planned for upgrade within the first permit term (through July 2023)	Not Applicable as BTV is a Non-Traditional MS4 community.
Roads and Outlets planned for upgrade in calendar year 2020.	Not Applicable as BTV is a Non-Traditional MS4 community.
Extent of street sweeping and catch basin cleaning	See 'Non-structural BMP tab'
Extent of stormwater BMP implementation	See 'BMP Tracking Table', contained in Appendix B.
Estimate of the extent of remaining items requiring completion	BMP Tracking Table shows that BTV has met it's phosphorus reduction goals.
Assessment of the ability to meet outstanding schedule items	BMP Tracking Table shows that BTV has met it's phosphorus reduction goals.
List of '3 acre sites' that have been taken over by the MS4	None.
Has this acreage been included in the MS4's baseload calculations?	Not Applicable.
Has the baseload been calculated based on municipally owned and controlled developed lands?	As calculated by VT DEC, BTV's Total Reduction Target is as follows: Shelburne Bay via the Laplatte River - 23.5 Kg/Year Main Lake via the Winooski River - 51.6 Kg/Year Total Reductuon Target is 75.1 Kg/Year See 'Base Loads & Target Reductions tab' for calculations.
Summarize progress on establishing P credits for existing projects	BTV's BMP Tracking Table is currently in progress development. See Appendix B for BMP Tracking Table development to date.
Summarize progress on identifying additional projects necessary to meet the PCP targets	BMP Tracking table shows that BTV has met it's goal in both the Shelburne Bay and Main Lake segments of Lake Champlain. The BMP Tracking table will continue to track progress as airport improvements are made and BMPs are built and maintained.

BTV Base Loads and Target Reductions

Summary by Lake Segment

Lake Segment	Base Load (kg/yr)	Future Growth Reduction Target	Existing Lands Reduction Target	Total Developed Lands Target Reduction	Future Growth Reduction Target (kg/yr)	Existing Development Reduction Target (kg/yr)	Total Reduction Target (kg/yr)	BTV Total (kg/yr)
Shelburne Bay	116.4	10.0%	10.2%	20.2%	11.7	11.9	23.5	75.1
Main Lake	255.7	4.1%	16.2%	20.2%	10.5	41.3	51.6	

Raw Data

LU_Class	Loadin Rate Class	MS4	SWAT_drain	Lake Segment	Area_acres	Loading Rate	Load (kg/yr)
Developed Pervious	Developed Pervious	BTV	LaPlatte River	Shelburne Bay	125.26	0.172	21.5
Developed Pervious	Developed Pervious	BTV	Winooski River	Main Lake	341.69	0.231	78.8
Developed Impervious	Impervious	BTV	LaPlatte River	Shelburne Bay	63.59	0.878	55.8
Developed Impervious	Impervious	BTV	Winooski River	Main Lake	86.77	0.980	85.1
Paved Roads	Impervious	BTV	LaPlatte River	Shelburne Bay	44.37	0.878	39.0
Paved Roads	Impervious	BTV	Winooski River	Main Lake	93.70	0.980	91.8

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BURLINGTON INTERNATIONAL AIRPORT

**Annual Report for General Permit
3-9014 (MS4)
including
Annual Reporting Summary for
MS4-Incorporated Operational
Stormwater Discharge Permits**

April 1, 2020

Appendix B

BMP Tracking Table

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Phosphorus Control Plan Submittal

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

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 a complete Stormwater Management Program (SWMP) Plan must be submitted.

A. Permittee Information

1. Name of MS4: City of Burlington, Burlington International Airport (BTV)

2a. Name of Principle Executive Officer (PEO) or Chief Elected Official (CEO): Gene Richards, III

2b. Title: Director of Aviation

3a. Mailing Address: 1200 Airport Drive, #1

3b. Town: South Burlington

3c. State: Vermont

3d. Zip: 05403

4. Phone: 802-863-2874

5. Email: grichards@btv.aero

6. Municipal Office Latitude: 73 . 154722 °N Longitude: -73 . 154722 °W

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

1. Name: (Same as above)

2a. Mailing Address:

2b. Town:

2c. State:

2d. Zip:

3. Phone:

4. Email:

5. Additional Contact Name:

6. Additional Contact Email:

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

1. If you are participating in the CCRPC MOU to implement MCM1 &/or MCM2 check here: MCM 1 MCM 2

Or, if you are relying on another entity to implement a MCM, please complete the following:

2. Organization:

3. Contact Name:

4. Minimum Control Measure(s) being implemented:

5a. Mailing Address

5b. Town:

5c. State:

5d. Zip:

6. Phone:

7. Email:

D. Incorporation of Previously Permitted Stormwater Systems

1a. As part of this application, is the MS4 incorporating a stormwater system that was previously authorized under a State stormwater permit? Yes No

1b. If yes, the MS4 must complete and attach the MS4 Incorporation Form.

List permit numbers here: _____

E. Phosphorus Control Plan Submittal

As part of this application, is the MS4 submitting a Phosphorus Control Plan in accordance with Part 8.2 of the MS4 Permit?

Yes, the Phosphorus Control Plan is attached to this application.

F. Stormwater Discharges

1. Identify the names of all know waters that receive a discharge from the MS4 or developed lands subject to this permit:

Receiving water	# of outfalls (if known)	Impaired status	Nature of impairment	Response Plan developed (FRP, PCP, No TMDL - Part 4.2.B)
Unnamed Tributary of Winooski River	Six (6)	No	None	NA
Muddy Brook	One (1)	No	None	NA
Class 2 Wetland contiguous with Muddy Brook	Five (5)	No	None	NA
Class 2 Wetland contiguous with Potash Brook	Five (5)	Yes <input type="checkbox"/>	E. Coli, Stormwater	FRP <input type="checkbox"/>
South Burlington Stormwater Collection System	One (1)	Yes <input type="checkbox"/>	Assume Potash Brook: E. Coli, Stormwater	FRP <input type="checkbox"/>
Centennial Brook	One (1)	Yes <input type="checkbox"/>	Stormwater	FRP <input type="checkbox"/>
Shelburne Bay (Lake Champlain segment)		No	Stormwater, Phosporus	PCP <input type="checkbox"/>
Main Lake (Lake Champlain segment)		No	Stormwater, Phosphorus	PCP <input type="checkbox"/>
		No		NA
		No		NA
		No		NA
		No		NA

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.

Gene Richards _____

Print Name

Director of Aviation _____

Title

Signature 

Date 3/31/21

Submit this form and applicable attachments to: MS4 Permit Coordinator
 VTDEC - Stormwater Management Program
 One National Life Drive
 Montpelier, Vermont 05620-3522

Attention: Christy Witters, AICP, MS4, and MSGP Program Coordinator
Vermont DEC – Watershed Management Division
Stormwater Management Program
One National Life Drive, Main 2
Montpelier, VT 05620-3522

Dear Christy,

On behalf of the City of Burlington, Burlington International Airport (BTV), this report shall serve as BTV's Phosphorus Control Plan (PCP) for Permit No 7021-9014.A2R [reference Municipal Separate Storm Sewer System (MS4) General permit 3-9014 (2018)].

Burlington International Airport discharges to two segments of Lake Champlain: Shelburne Bay and Main Lake. DEC's TMDL provides goals for these segments as 23.50 kg/year in Shelburne Bay and 51.60 kg/year in Main Lake. As recorded and calculated in the BMP Tracking Table, BTV has completed 33.83 total kg/year of phosphorus removal in Shelburne Bay and 122.87 total kg/year of phosphorus removal in Main Lake. Goals for both lake segments have been reached at this time. BTV intends on maintaining all BMPs in place and continuing BMP development as airport improvements are made.

Regards,

Heidi Miller, Civil and Environmental Engineer
EIV Technical Services
106 East Allen St, Winooski, VT 05404



Cc: Larry Lackey (BTV Director of Engineering and Environmental Compliance)

SUMMARY

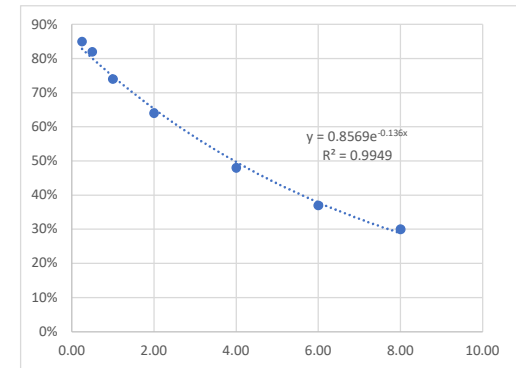
Revised as per DEC watershed delineation & only credit P reduction for existing impervious surface treatment

kg/yr	Shelburne Bay	Main Lake
Goal as per DEC table	23.50	51.60
Complete	15.18	86.93
Planned	0.00	4.06
Impervious Surface Removal	0.80	9.20
Disconnection	17.85	22.68
Total	33.83	122.87
Planned with South Burlington (FRP)	0.02	0.17

DISCONNECTION

Unique ID	Burlington International Airport (BTV) BMP Tracking Table Date: April 1, 20	Redeveloped Impervious Being		Total Area	Pervious Area	Ratio		
		Disconnected	Impervious					
BTV BCJG 001	Taxiway B, C, J, G (disconnection 001)	5.17	22.28	37.39	15.11	1.475	70%	
BTV BCJG 002	Taxiway B, C, J, G (disconnection 002)	1.68	2.3	8.18	5.88	0.391	81%	
BTV RW 15-33 (001)	Reconstruct, Mark, and Groove Runway 15-33 (disconnection S/N 001)	8.98	15.07	26.57	11.5	1.310	72%	
BTV RW 15-33 (002)	Reconstruct, Mark, and Groove Runway 15-33 (disconnection S/N 002)	7.91	12.23	27.43	15.2	0.805	77%	
BTV RW 15-33 (003)	Reconstruct, Mark, and Groove Runway 15-33 (disconnection S/N 003)	3.58	5.71	15.77	10.06	0.568	79%	
BTV RW 15-33 (004)	Reconstruct, Mark, and Groove Runway 15-33 (disconnection S/N 004)	0.67	2.8	5.41	2.61	1.073	74%	
BTV RW 15-33 (005)	Reconstruct, Mark, and Groove Runway 15-33 (disconnection S/N 005)	3.94	7.78	15.18	7.4	1.051	74%	
BTV RW 15-33 (006)	Reconstruct, Mark, and Groove Runway 15-33 (disconnection S/N 006)	2.34	2.8	7.97	5.17	0.542	80%	
BTV QA	Quarry Access Road (disconnection S/N 002)	0.05	0.222	0.52	0.298	0.745	77%	
BTV TW G/K	Construct Mark & Light TW G/K (disconnection)	5.04	5.72	14.41	8.69	0.658	78%	

Impervious area to pervious area ratio	Soil type of Receiving Pervious Area - Phosphorus			
	HSG A	HSG B	HSG C	HSG D
8.00	30%	14%	7%	3%
6.00	37%	18%	11%	5%
4.00	48%	27%	17%	9%
2.00	64%	45%	33%	21%
1.00	74%	59%	49%	36%
0.50	82%	67%	60%	49%
0.25	85%	72%	67%	57%



Generalized reductions for where details aren't known
 2002 VSMM (0.9") 55%
 2017 VSMM (1.0") 57%



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BURLINGTON INTERNATIONAL AIRPORT

**Annual Report for General Permit
3-9014 (MS4)
including
Annual Reporting Summary for
MS4-Incorporated Operational
Stormwater Discharge Permits**

April 1, 2020

Appendix C

**Public Education and Outreach (MCM#1)
Regional Stormwater Education Program (RSEP)
January – December 2019 Annual Report**

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MCM #1
REGIONAL STORMWATER EDUCATION PROGRAM
RETHINK RUNOFF

JANUARY–DECEMBER 2019
ANNUAL REPORT

Prepared by:

Pluck

Introduction

Since 2003, Chittenden County's twelve MS4s have worked to pool resources to professionally engage the public in a one message, one outreach effort known as the Regional Stormwater Education Program. Through regular spring and summer advertisements to drive people to the program's website, www.smartwaterways.org, this cooperative approach to fulfilling its NPDES Permit Minimum Control Measure #1 (Public Education & Outreach) requirements has built a regional awareness among the public of the need for individual action to assist in fighting stormwater problems.

In the summer of 2016, the MS4s contracted with Tally Ho through their Lead Agency, the Chittenden County Regional Planning Commission, to rebrand the Smart Waterways campaign into a combined effort with the MS4's Minimum Measure #2 regional effort known as the Chittenden County Stream Team. The goal was to create one cohesive organization and outreach effort to both educate the public about stormwater and boost public participation in implementation of projects to combat the negative impacts of stormwater. In spring of 2017, Rethink Runoff was publicly launched, including a new website and revised creative.

In late 2017, Tally Ho transitioned to Pluck, retaining the same client contact. Pluck subsequently took over the creative, administration, and management of Rethink Runoff.

This 2019 calendar year report recaps the work done primarily related to Minimum Control Measure #1.

2019 Initiatives

Having completed the initial rebranding to Rethink Runoff and the website redesign in 2017, and a focus on updating the advertising in 2018, this past year left us a canvas to improve on the work done.

We revised digital display advertising and updated all three video animations for YouTube. Similar to last year, we targeted various demographics in all MS-4 towns based on subject matter and interests (home improvement, gardening, fishing, water recreation, pets, etc.).

In addition to a heavy YouTube presence, videos were also shown on WCAX in limited quantity as well as on Comcast/Infinity cable stations.

Print advertising in *Seven Days* also continued our seasonal approach, increasing visibility for specific activities at specific times.

In addition to advertising, we revised content across the website. We simplified top-level messaging, simplifying terms and making headlines and introductions more conversational in nature. The same shift in content was carried throughout the subpages as well.

We also created a new system of materials for the Stream Team. For events, we created a tabling system, including a branded tablecloth and a large-scale pop-up banner with top-level messaging. In addition, we finalized the Rain Garden signage.

We created a series of print materials:

- A rack card highlighting simplified actions that homeowners can take to mitigate runoff.
- Another rack card highlighting the Stream Team and its various activities and initiatives.
- A small call-to-action card, printed on seed-based paper that could be planted with wildflowers native to the Northeast.
- Series of downloadable posters, 8.5x11 and 11x17, for each of our ad series: Champ, Car Care, Rain Gardens, Pets, Rain Barrels, and The Stream Team.

Stream Team Outreach Materials



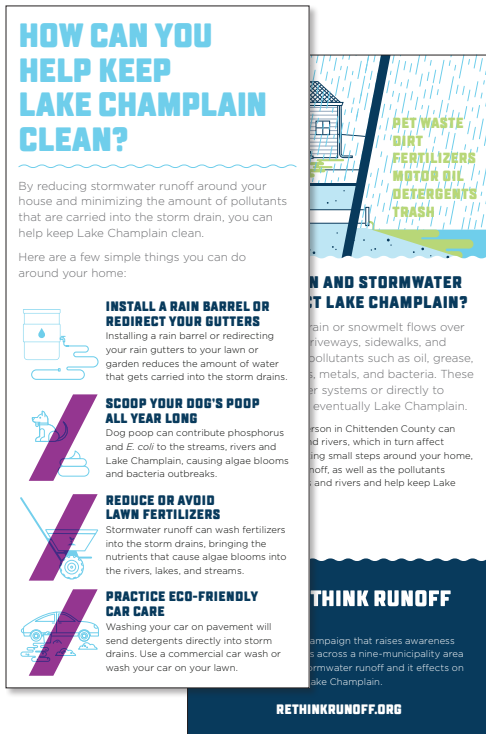
COMMUNITY RAIN GARDEN SIGNAGE



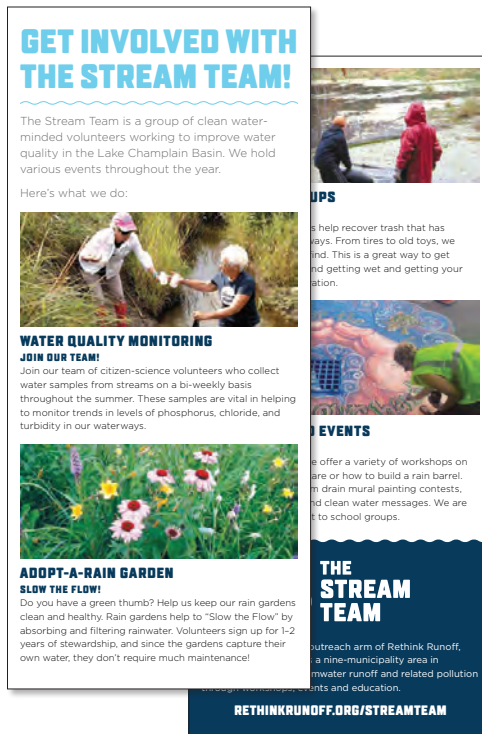
POP-UP BANNER



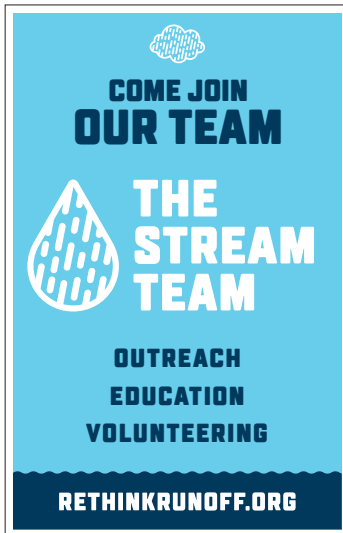
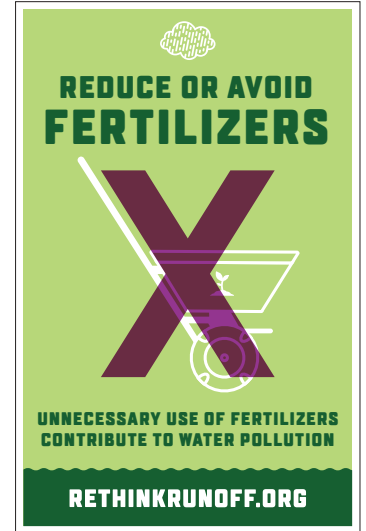
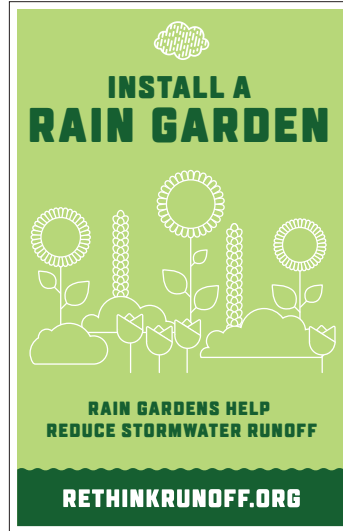
CALL-TO-ACTION SEED CARD



RACK CARDS



Downloadable Posters



Media Buy Breakdown

Below is a cost breakdown of media buys, compared with 2016, 2017, and 2018. Overall, we've continued to reduce our radio media buys, shifting to a larger digital media buy. This past year, we also increased our television media buy, since we have three different focused animated spots.

We added a small media buy in January/February, focused on pet waste pick-up—something we will continue to do in 2020. In addition, we've continued to roll over any excess spring digital media buys into a longer summer media buy.

2016 – MEDIA BUY			
SOURCE	SPRING	SUMMER	FALL
RADIO	\$4,500	-	\$3,258
DIGITAL	\$7,500	-	\$4,985
TV	\$5,500	-	\$2,379
PRINT	\$2,500	-	
TOTAL	\$20,000	-	\$10,622

2017 – MEDIA BUY			
SOURCE	SPRING	SUMMER* 05/28-08/02	FALL
RADIO	\$3,088	-	\$1,080
DIGITAL	\$3,600	\$3,826	\$4,582
TV	\$2,015	-	\$1,833
PRINT	\$1,755	\$585	\$1,170
TOTAL	\$13,191	\$4,235	\$8,666

2018 – MEDIA BUY			
SOURCE	SPRING	SUMMER* 6/16-08/27	FALL
RADIO	\$2,675	-	\$1,044
DIGITAL	\$3,394	\$7,534	\$2,987
TV	\$3,710	-	\$2,472
PRINT	\$1,755	-	\$1,006
TOTAL	\$11,534	\$7,534	\$7,509

2019 – MEDIA BUY				
SOURCE	WINTER	SPRING	SUMMER* 5/27-09/2	FALL
RADIO	\$360	\$1,008		\$1,025
DIGITAL	\$1,800	\$2,320	\$5,830	\$3,000
TV		\$5,830		\$3,306
PRINT	\$503	\$2,012		\$1,006
TOTAL	\$2,663	\$11,170	\$5,830	\$7,509

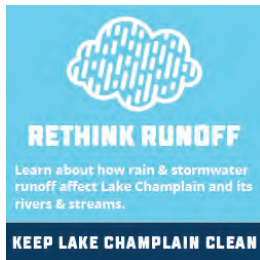
* For 2017 and 2018, Summer was initially planned as part of the spring 2018 budget. Moving forward, the spring media buy will include all purchases made through 7/1. The Fall media buy will include any media buys made from 7/1 to the end of the summer.

Creative

Advertising during 2017 included redesigned creative, incorporating existing messaging with a new visual language based on Rethink Runoff. In 2018, we created a series of three :30 animated video spots (installing a rain garden, installing a rain barrel, and avoiding fertilizer), exporting one on as a radio spot. In addition, we began introducing additional seasonal display advertising, including a series for Clean Water Week.

Advertising for 2019 included updated 2017 creative as well as new ads released from April-July, tied to spring/summer activities. All ads were rolled out in 8-10 different sizes. Fertilizer and Rain Garden ads were positioned in early spring and fall. Rain Barrel and Fishing ads were positioned in late spring through fall. Water Recreation was pushed through summer to early fall while the General, Champ and Stream Team ads were positioned from early spring through fall. The media buys for the video reflected the display ad media buys. We also created winter-specific Pet Waste ads to target pet owners who may not pick up their pet waste in the winter, placing media buys in late January/February 2019.

Revised Creative



GENERAL LAKE



STREAM TEAM



FERTILIZER



GENERAL CHAMP



SLOW THE FLOW



RAIN GARDEN



RAIN BARREL



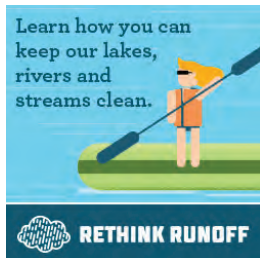
FISHING



PET WASTE 1



PET WASTE 2



WATER RECREATION

Videos



APRIL - FERTILIZER
[HTTPS://WWW.YOUTUBE.COM/WATCH?V=T8BY6UBQSUW](https://www.youtube.com/watch?v=T8BY6UBQSUW)



MAY - RAIN GARDEN
[HTTPS://WWW.YOUTUBE.COM/WATCH?V=E9RNXJSYEIG](https://www.youtube.com/watch?v=E9RNXJSYEIG)



JUNE - RAIN BARREL
[HTTPS://WWW.YOUTUBE.COM/WATCH?V=ZZJ_MEP9Q_Q](https://www.youtube.com/watch?v=ZZJ_MEP9Q_Q)

Advertising Click-through Rates, 2019

SOURCE	IMPRESSIONS	INTERACTIONS/ VIEWS	COST	COST PER CLICK
DISPLAY ADS	4,432,126	4,870	\$6,910	\$1.41
VIDEO (YOUTUBE)	380,633	176,983	\$3,850	\$0.02
WCAX DIGITAL	200,004	116	\$1,500	\$12.93

Google Display Ads Overview, 2019

Most Popular by Impressions

CALENDAR YEAR 2019 NAME	SPRING: 4/15-MEMORIAL DAY NAME	SUMMER: MEMORIAL-LABOR DAY NAME	FALL: LABOR DAY-10/31 NAME
GENERAL LAKE	RAIN GARDEN	RAIN GARDEN	GENERAL LAKE
PET WASTE	GENERAL CHAMP	GENERAL LAKE	FERTILIZER
RAIN GARDEN	GENERAL LAKE	GENERAL CHAMP	GENERAL CHAMP

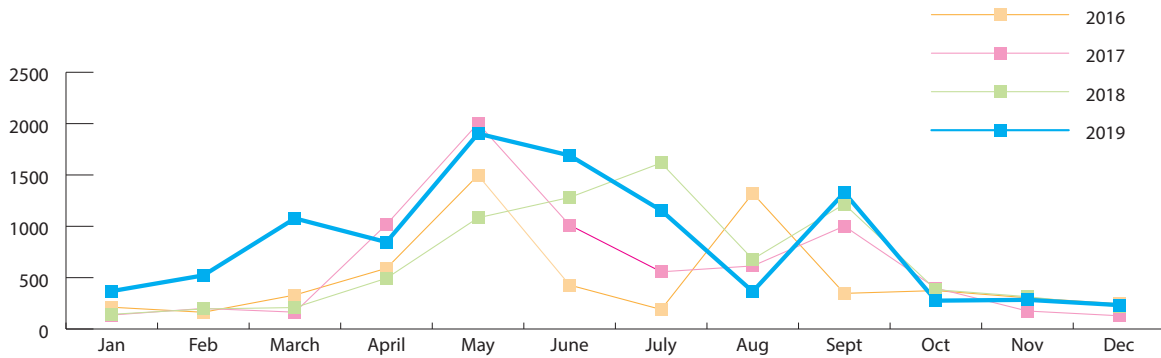
Most Popular by Interaction

CALENDAR YEAR 2019 NAME	SPRING: 4/15-MEMORIAL DAY NAME	SUMMER: MEMORIAL-LABOR DAY NAME	FALL: LABOR DAY-10/31 NAME
GENERAL LAKE	GENERAL LAKE	RAIN GARDEN	GENERAL LAKE
PET WASTE	GENERAL CHAMP	GENERAL LAKE	FERTILIZER
RAIN GARDEN	RAIN GARDEN	PET WASTE	GENERAL CHAMP

Most Effective by Cost-per-click

CALENDAR YEAR 2019		SPRING: 4/15-MEMORIAL DAY		SUMMER: MEMORIAL-LABOR DAY		FALL: LABOR DAY-10/31	
TOTAL	TIME PERIOD	TOTAL	TIME PERIOD	TOTAL	TIME PERIOD	TOTAL	TIME PERIOD
FERTILIZER	\$0.55/CLICK	GENERAL CHAMP	\$0.55/CLICK	RAIN GARDEN	\$0.58/CLICK	FERTILIZER	\$0.54/CLICK
RAIN GARDEN	\$0.58/CLICK	RAIN GARDEN	\$0.56/CLICK	GENERAL CHAMP	\$0.63/CLICK	GENERAL CHAMP	\$0.58/CLICK
GENERAL CHAMP	\$0.59/CLICK	GENERAL LAKE	\$0.67/CLICK	GENERAL LAKE	\$0.69/CLICK	GENERAL LAKE	\$0.76/CLICK

Website Metrics for 2013–2019



2019 vs. 2018 Users

+26.05%
8,531 vs 6,768

New Users

+27.95%
8,529 vs 6,666

Pageviews

+30.64%
15,769 vs 12,071

Total Sessions/Visits (1/1–12/31)

TOTAL	TIME PERIOD
10,111	2019
7,832	2018
7,407	2017
6,004	2016
4,659	2015
7,728	2014
3,541	2013
2,787	2012

Website visits by device

DEVICE	2019	2018	2017	2016
DESKTOP	40.2%	50.1%	52.8%	65.7%
MOBILE	44%	40.6%	36.4%	24.5%
TABLET	15.8%	9.3%	10.8%	9.8%

Top Vermont Cities and Towns, 2019

TOTAL	CITY/TOWN	USERS	PERCENTAGE
1354	BURLINGTON	1354	27.32%
877	SOUTH BURLINGTON	877	17.73%
784	COLCHESTER	784	15.84%
770	ESSEX/ESSEX JCT.	770	15.56%
254	SHELBURNE	254	5.12%
120	HINESBURG	120	2.43%
98	WILLISTON	98	1.98%
97	SAINT ALBANS CITY	97	1.96%
59	MONTPELIER	59	1.17%

Most visited pages, 2019

TOTAL
Homepage
GET EDUCATED/PROBLEMS & SOLUTIONS/RAIN GARDEN
GET EDUCATED/PROBLEMS & SOLUTIONS/PET WASTE
GET EDUCATED
GET EDUCATED/PET WASTE
GET INVOLVED
EXPLORE THE LAKE CHAMPLAIN BASIN
GET EDUCATED/KIDS
GET EDUCATED/REDUCE FERTILIZER
GET EDUCATED/ALGAE BLOOMS

New York, 193 Users

Boston, 47 Users

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BURLINGTON INTERNATIONAL AIRPORT

**Annual Report for General Permit
3-9014 (MS4)
including
Annual Reporting Summary for
MS4-Incorporated Operational
Stormwater Discharge Permits**

April 1, 2020

Appendix D

**Public Involvement / Participation (MCM #2)
Rethink Runoff Stream Team
2019 Summary of Activities and
2019 Water Quality Monitoring Interim Report**

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MCM #2: Rethink Runoff Stream Team Summary of Activities 2019 Calendar Year



Social Media

Facebook

- Total Posts = 29
- 254 total “likes”
- 294 total “follows”

Instagram

- Total Posts = 16
- 179 total “follows”

RRST Website

- See final report from Dave Barron (Pluck Design)
- Added outreach events to calendar on website

Newsletter and e-correspondence

- As of 12/9/19 there were **629** subscribers to the RRST newsletter (an increase from 508 in 2018)
The average open rate for emails was about 30%
- Spring Newsletter Published on 2/26/19 Opens: 179 Clicks: 21
- Summer Newsletter Published on 7/9/19 Opens: 185 Clicks: 29
- Fall Newsletter Published on 11/22/19 Opens: 172 Clicks: 23

Organizational Partnerships

The Rethink Runoff Stream Team partnered with 11 organizations in 2019:

1. **Shelburne Community School** - A teacher at Shelburne Community School invited the RRST coordinator to teach a 1-hour class to 5th graders to kick off their watershed and ecology unit - Lesson taught to 90 students on 4/4/19, 40 of those students also helped complete the Storm Drain Mural project in Shelburne by designing and painting raindrops to contribute to Julie Holmes’s mural on 9/27/19
2. **Essex Middle School** - Taught a mini rain barrel workshop to 8 students 5/10/19
3. **Williston Master Naturalists** - The Master Naturalists volunteered to help organize riparian stewardship days at the Allen Brook tree planting site from last year. They recruited community volunteers to help weed, clear trash and inventory tree survival rates. (4/28/19 and 5/4/19)
4. **Winooski Valley Parks District** - WVPD hosted Conservation Field Day 5/15/19 bringing together area schools for a day in Ethan Allen Homestead Park. RRST facilitated a station called “Build a Watershed” where students created a 3D model of a fictional community and used a spray bottle to observe the impact of runoff and pollution in their community.
5. **Cub Scout Pack 678** - Rain Garden adopters in S. Burlington
6. **Marsh-Billings Rockefeller National Historical Park** A guest intern from the park visited for a day to assist the Stream Team coordinator with checking in samples and to learn about the structure of the citizen science program.
7. **Williston Conservation Commission** - Coordinated to decrease the cost of delivering water quality samples to the new lab in Randolph by sharing a courier service.



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8. **Brownell Library** - Allowed RRST to host a kid's watershed activity hour as part of their "Wonder Wednesday" series and to set up a "pop up" style information table before their most popular speaker series for adults. (11/6/19) Also displayed books from the Clean Water Reading List for the month of November.
9. **State of Vermont: LaRosa Water Quality Sampling Grant** - The RRST coordinator successfully applied for a grant from the State of Vermont to cover for the cost of analyzing water quality samples at the VAEL lab in Randolph. The value of the lab services that this grant made available this year was approximately \$3,000.
10. **Shelburne Farms** - Invited RRST to table at the annual Shelburne Harvest Festival
11. **Watersheds United Vermont (WUV) & Watershed Consulting Associates (WCA):** WNRCDC was awarded a grant that allows them to meet with a watershed data professional to discuss the analysis of water quality sampling data. Discussions with WCA will inform the Stream Team water quality sampling program in 2020 and beyond.

Media Rethink Runoff Stream Team had 7 media appearances in 2019:

1. Article published in international Stormwater Management publication (published by WEF Stormwater Institute) Volume 7, Issue 1 Spring 2019 - Cover picture and article on pages 20-21 <https://www.wef.org/resources/publications/all-magazines/world-water-stormwater/>
2. Article published in The Other Paper to recruit water quality monitoring volunteers (5/9/19) https://www.otherpapersbvt.com/news/around_town/volunteer-as-a-summer-water-quality-monitor/article_e0a70cd2-7290-11e9-b09b-a3c0e2ed59fc.html
3. Call for Artists published in Milton Independent on (7/4/19) https://issuu.com/miltonindependent/docs/2019_0704_forweb
4. Milton Independent Follow-Up (7/31/19) <https://www.miltonindependent.com/art-for-awareness-muralists-adorn-milton-storm-drains/>
5. Call for Artists Shelburne News (8/29/19) <http://www.shelburnenews.com/2019/08/29/call-artists-storm-drain-mural-project/>
6. Stream Clean Up Article in Williston Observer (9/26/19) https://issuu.com/vermontmaturity/docs/9-26-19_no.2_final
7. Shelburne Storm Drain Mural Article in Shelburne News (10/3/19) <http://www.shelburnenews.com/2019/10/03/pavement-murals-point-trouble-water-runoff-real-problem/>



Figure 1: Thumbnails of some 2019 RRST appearances in local newspapers



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Outreach

Outreach includes any educational opportunities or tabling events where resources or information are provided to the community about the RRST program. There were **six** outreach events in 2019, with an estimated total outreach to = **278** people.

Outreach events in 2019 targeted the municipalities of **Colchester, Essex and Essex Junction**

- **Colchester** Community Dinner Tabling Event (3/4/19)
 - 25 residents reached
- **Shelburne** Watershed Lesson at Shelburne Community School (4/4/19)
 - Reached 90 5th grade students and 10 adults = **100** total
- **Various Municipalities:** Conservation Field Day with Winooski Valley Parks District (5/15/19)
 - Taught a 25-minute station called “Build a Watershed” to 5 groups of 5th grade students
 - Reached **60** students and chaperones (equal amounts from S. Burlington, Burlington, Colchester and Essex Junction)
- **Various Municipalities:** Shelburne Harvest Festival (9/21/19)
 - Table was hosted by Winooski NRCD with a portion of the table dedicated to Stream Team materials. Many residents in the RRST area had questions about water quality and engaged with the stream team materials. About **50** total people reached: 10 Burlington, 10 S. Burlington, 10 Essex & Essex Junction, 20 Shelburne)
- **Essex Junction** Library Project 11/6/19
 - The RRST coordinator taught a kid’s watershed activity hour as part of the ongoing “Wonder Wednesday” series. 13 kids and 10 parents attended. Kids played “Butterfly River” and “Build a Watershed.” Kids who arrived early also studied that map of the Lake Champlain Basin to look for clues about the meaning of the word “Watershed.” Many families took handouts and copies of the Stormwater Maze at the end of the session.
 - RRST set up a “pop up” style information table before their most popular speaker series for adults. The RRST coordinator spoke with 20 people. Many people took handouts or asked questions about stormwater on their property. Many residents expressed frustration at living in condo associations where they feel less empowered to make water-friendly changes to their space. We may explore opportunities for outreach to condo associations in the future to address this need.
 - Total in-person outreach = **43 residents**
 - The library also displayed books from the Clean Water Reading List for the month of November. The books were available for library members to check out and RRST stickers and handouts were also available for anyone to take for free.
- **Essex** Library Project
 - An outreach event was planned at Essex Library for fall 2019 that was similar to the Brownell Library program, but the library experienced flooding in their community room. This program has been rescheduled to January 2020



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Figure 2: Left: Books from the Clean Water Reading List on display at Brownell Library. Right: Tabling display set-up including the new Clean Water Trivia Board and newly printed Rethink Runoff tablecloth

The 2019 work plan goal for outreach was 80 people, which was surpassed. A total of **278** people were engaged through outreach in 2019. Outreach towns for 2020 are Williston, Winooski and South Burlington.

New Outreach Activities Created:

1. Clean Water Reading List
2. Trivia Board
3. Watershed Curriculum from Shelburne Community School Program

New Outreach Tools Created with assistance from Pluck

1. “Get Involved” Rack Card
2. “Keep Lake Champlain Clean Rack Card”
3. Large standing sign
4. Tablecloth printed with RRST logo

Projects

Six hands-on events were held in 2019. Event-Driven Tasks involve community members in some form of hands-on engagement. Hands-on participation events in 2019 targeted the towns of Burlington, Shelburne, and Milton.

- **Burlington** Rain Barrel Workshop (5/4/19)
 - 32 barrels built, 47 Burlington residents attended
- **Essex** Mini Rain Barrel Workshop (5/10/19) 10 Essex residents reached (8 students, 2 adult chaperones = **10** total), 3 barrels created.
- **Williston** Riparian Stewardship Days
 - Williston, Allen Brook (4/28/19 and 5/4/19)
 - Over the course of both days about **20** volunteers helped tend to trees planted along the brook last year. They removed choking vines, weeded around the base of the trees and took an inventory of the trees to estimate survival rate (over 90%)
- **Milton** Storm Drain Murals (7/29/19)
 - Two murals painted in Milton - articles published in Milton Independent, great social media coverage. People involved included 2 artists, 5 family members of artists and 1 reporter.



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Total: **8** people directly engaged.

- **Williston** Stream Clean Up (9/14/19)
 - **11** volunteers removed 15 bags of trash from tributaries to Muddy Brook
- **Shelburne** Storm Drain Murals (9/27/19)
 - Two murals painted in Shelburne. People involved included 2 artists, 40 local students involved in painting process and 1 reporter. (Total: **43**) Article published in Shelburne News.

A total of **139** people participated in hands-on RRST events in 2019. (A subcategory: A total of **86** people volunteered their time through RRST activities in 2019). Project towns for 2020 are Essex, Essex Junction, and Colchester.

City of Burlington Project: Rain Barrel Workshop

Summary: RRST coordinated a rain barrel workshop for the City of Burlington on May 4, 2019. 47 people attended and 34 barrels were constructed. Registration was \$35 and sign-ups were coordinated online through Google Forms and the WRNCD PayPal account.

Advertising: Planning for the event began in January. The City of Burlington created a poster and the RRST coordinator created a press release and Facebook event. The following media venues were used to spread the word: Facebook, Instagram, Front Porch Forum, Rethink Runoff website, City of Burlington website, posters around town. This outreach garnered interest from 100 people (50 from Burlington, who were given top priority and 50 from other towns).

Challenges: RRST did encounter some challenges sourcing materials. The main supplier of plastic barrels discontinued ordering products in those containers, so the RRST coordinator sought other sources in the community. Unfortunately, the price of each barrel was more than double with the alternate sources. Plenty of staff time was spent troubleshooting this challenge. In the future we anticipate this project taking less time and costing less money.

Impact: The 34 barrels that were built will be installed at residences around Burlington and will help decrease the volume of stormwater during rain events. Participants will become advocates for clean water solutions in the City. The mailing list increased by 70 people due to folks who signed up for the list during the event registration period. Finally, we know there is high demand for rain barrel workshops. The RRST coordinator will work to secure a more stable source for the plastic barrels so that we can offer the workshop at an affordable rate for many years to come.

Costs: The total estimated cost to plan, manage, and implement this project was **\$3,300**. The approximate personnel time used to plan and execute the project was 70 hours (\$3,150). The total cost of supplies (less registration income) was \$100. The mileage was about \$50.



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Figure 3: Participants at the Burlington Rain Barrel Workshop drill, assemble and caulk their new barrels.

Town of Milton Project: Storm Drain Mural

Summary: RRST coordinated a storm drain mural project in Milton. Four artist applications were received and two were selected: Erin Schmitt (a high school art teacher from Milton) and Jessica Zawicki (from St. Albans). On July 29, 2019 the artists painted their murals working from 9am to 5pm to complete the artwork.

Advertising: The RRST coordinator created a call for artists press release and used the following media venues to spread the word: Facebook, Instagram, Front Porch Forum and in the Milton Independent. A reporter from the Milton Independent also interviewed the RRST coordinator and took pictures of the artists on the day of the event. An article was published on 7/31/19. A link to the article can be found in the summary of publications on page 2.

Impact: The murals will stand as an enduring reminder to the residents of Milton that everyone is responsible for keeping storm water and Lake Champlain clean.

Costs: The total estimated cost to plan, manage, and implement this project was **\$1,940**. The approximate personnel time used to plan and execute the project was 30 hours (\$1,350). The total cost of supplies was \$20. The mileage was about \$40. Each of the artists was granted a \$250 stipend for their materials and time, creating a contractual cost of \$500.



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Figure 4: Artist Jessi Zawicki paints her mural at the corner of Rt. 7 and Main St (7/29/19) Text says: "Drains to Champlain"

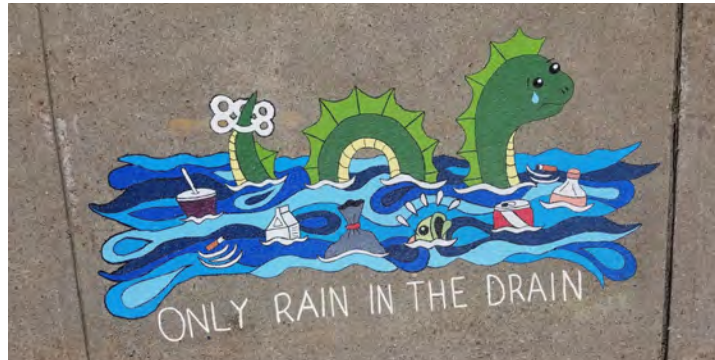


Figure 5: Artist Erin Schmitt paints her mural of Champ on Center Drive between Kinney Drugs and VT Federal Credit Union (7/29/19) Text says: "Only Rain in the Drain"



Fig 6: Social Media Splash! The Facebook post about the completed murals was shared by more than 10 people or organizations and seen by over 4,500 people.

Town of Shelburne: Storm Drain Mural

Summary: RRST coordinated a storm drain mural project in Shelburne in September. Twenty-four applications were received and two were selected. Heatheranne Lee (a high school student from Shelburne) and Julie Holmes (an artist and music teacher from Charlotte) submitted the winning designs. On September



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27, 2019, the artists painted their murals. 40 Students from Shelburne Community School helped artist Holmes create her mural. Holmes’s message was “Every Drop Counts.” She wanted each student to paint a unique raindrop in the lake to represent how each person is unique and how each person’s actions make a difference.

Advertising: The RRST coordinator created a call for artists press release and used the following media venues to spread the word: Facebook, Instagram, Front Porch Forum and a press release in the Shelburne News. A reporter from Shelburne News interviewed the RRST coordinator and artists. An article was published on 10/3/19. A link to the article be found in the summary of publications on page 2.

Impact: The murals will stand as an enduring reminder to the residents of Shelburne that everyone is responsible for keeping storm water and Lake Champlain clean.

Cost: The total estimated cost to plan, manage, and implement this project was **\$1,960**. The approximate personnel time used to plan and execute the project was 30 hours (\$1,350). The total cost of supplies was \$55. The mileage was about \$25. Each of the artists was granted a \$250 stipend for their materials and time, creating a contractual cost of \$500.



Figure 7: Artist Heatheranne Lee’s Mural outside of Shelburne Country Store (9/27/19) Text says: “Keep the Water Clear, Remember Champ Lives Here”



Figure 8: Artist Julie Holmes’s Mural outside of Pierson Library (9/27/19) Text says: “Every Drop



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Counts, Keep It Clean



Figure 9: Students from Shelburne Community School help Artist Julie Holmes's paint her mural outside of Pierson Library (9/27/19) Each student created a unique design to fit the theme "Every Drop Counts"

Stream Clean Up Program Summary

In partnership with Winooski NRCDC, RRST completed a Stream Clean Up event in Williston on Sept 14, 2019. Eleven people attended and removed 15 bags of trash out of two tributaries to Muddy Brook. Most of the time spent on this event was covered by Winooski NRCDC's independent agreement with the Town of Williston. Some advertising time was charged to RRST and Stream Team tabling materials and shirts were shared with all participants on the day of the event. The cost to RRST was approximately 10 hours or **\$450**. Matching funds from WNRCD to fully execute the event were approximately \$3,500.



Figure 10: Volunteers at the Williston Stream Clean Up 9/14/19

Water Quality Monitoring Program Summary

RRST has maintained an ongoing water quality monitoring program since 2012. Citizen science volunteers take water samples in urban or suburban streams that are impacted by sedimentation, excessive nutrient loading, high temperatures, bacteria, and other pollution. This data provides information to towns about long term trends and may help towns identify good locations for stormwater BMPs.

With another year of support from VT DEC's LaRosa program, RRST collected biweekly water quality samples at twenty-one sites on twelve streams in 2019. Twenty-one volunteers and one intern helped collect grab samples on five, biweekly Tuesdays from 6/25/19 - 8/20/19. Grab samples were analyzed for total phosphorus and chloride. These parameters were also sampled at five of the sites during one rain event. See



This document was prepared by the Winooski Natural Resources Conservation District, who is contracted by Chittenden County's MS4 Committee to run the RRST program.

the 2019 Water Quality Monitoring Report in Appendix A for more information.

The training day for citizen science samplers took place on 6/11/19 at Landry Park in Winooski. This year two sessions were offered (morning and evening) to accommodate volunteers' schedules. RRST coordinator demonstrated sampling procedures, described the data collection sheets and answered questions. Throughout the season, volunteers returned their samples to the WNRC office after sampling, and the RRST coordinator ensured all samples were accounted for and delivered to the lab. A challenge this year was that the lab moved from Burlington to Randolph VT. RRST partnered with the Williston Conservation Commission (which takes weekly water samples) to share the cost of a courier service (Green Mountain Messenger) to deliver samples and bringing back supplies. Volunteers were recognized at the volunteer appreciation event in Williston on 9/18/19.

The RRST coordinator sent bi-weekly emails to WQ volunteers to check in about sampling procedure and share interesting local water tidbits, and other ways to get involved. The coordinator also joined volunteers in the field periodically to discuss technique or clarify site locations.

Cost: The total estimated cost to plan, manage, and implement this project was **\$3,650**. The approximate personnel time used to plan and execute the project was 80 hours (\$3,600). The mileage was about \$50. For match, the LaRosa grant offset approximately \$2,600 of lab analysis fees.

Municipality	Number of Volunteers
Essex & Essex Junction	3
Colchester	2
S. Burlington	7
Burlington	4
Williston	3
Shelburne	1
Hinesburg	1
TOTAL	21

Table 1: Stream Team Water Quality Sampling Volunteers by town



This document was prepared by the Winooski Natural Resources Conservation District, who is contracted by Chittenden County's MS4 Committee to run the RRST program.

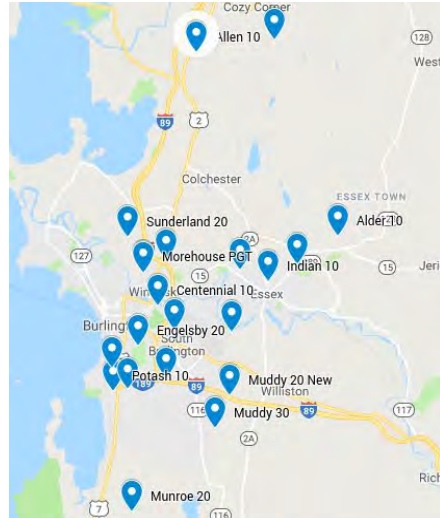


Figure 11: Map of Stream Team Sampling Sites 2019 [Link to Interactive Map:](https://drive.google.com/open?id=1K98F4bBO2E6p5ILKgSw7bxRSpQlzo08Q&usp=sharing)
<https://drive.google.com/open?id=1K98F4bBO2E6p5ILKgSw7bxRSpQlzo08Q&usp=sharing>



Figure 12: Stream Team volunteers learn sampling protocol at the evening training (6/11/19)



This document was prepared by the Winooski Natural Resources Conservation District, who is contracted by Chittenden County’s MS4 Committee to run the RRST program.

Adopt-a Rain Garden Program Summary

The Stream Team's Adopt-a-Rain Garden program is an opportunity for individuals to assist in keeping Chittenden County's public rain gardens functional and attractive. This involves basic maintenance activities like picking up trash, pruning, pulling weeds, installing new mulch, and informing the coordinator of non-functioning gardens. There are currently ten public rain gardens managed by RRST. In 2018, there were four official adopters. In 2019, all ten gardens were cared for by various partners and volunteers. See table 2 for more details.

Signage: This year, with the help of Pluck, we rebranded the signs in all of the gardens with the new Rethink Runoff logo. A volunteer was recruited to assist with installing the signs.

Cost: The cost to manage and grow this program in 2019 was approximately 15 hours or **\$675** for staff time.

Garden Status Update

Callahan Park Rain Garden

Location: 45 Locust St., Burlington

This garden has been functioning well for some time thanks to efforts by Brad Ketterling, who has adopted this garden for several years. In 2017, Burlington Public Works brought a load of mulch to the garden and Brad spread the mulch and kept up with weeding and monitoring the garden. Several understory shrubs and flowers have been shaded out by larger, overstory plants that need to be thinned. There are several locations that also need to be replanted, so efforts will be made to locate surplus plants that can be added in 2020.

Chamberlain School

Location: 262 White Street, South Burlington

This garden was installed in partnership with WNRCDC and the Let it Rain Program in 2013. This is one of several rain gardens on the grounds of Chamberlain Elementary. School teacher Chris Provost adopted this garden again in 2019 and has actively maintained it for several years.

Coast Guard Station

Location: Depot Street, Burlington

This small garden is located in the parking lot abutting the bike path next to the Burlington Coast Guard Station. In 2014, RRST worked with the ECHO summer kids program to engage elementary school children in cleaning the garden and in 2015 a local resident, Wiley Reading, adopted the garden. The garden did not have an adopter from 2016-2018, but this garden got a "boost" of energy from 10 community volunteers through the Day in the Dirt event hosted by the Vermont Community Garden Network in spring of 2018. In 2019, it was adopted by Larry Kaupferman.

Farrell Park

Location: Swift Street, South Burlington

This garden is unique in terms of its design. It is called an "advanced wetland stormwater filter" and was installed in 2012. Stormwater enters the garden through an inlet, flows through the gravel wetland filter



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media, is cleaned and exits through the other end. The garden requires very little maintenance because it has a flushing system that prevents sediment from building up. This garden had an active adopter for its entire life, until 2015 when the adopter moved away. The garden was never in need of additional plants or maintenance. It would not be appropriate to add mulch to this garden. In 2019, this garden was adopted by the O'Leary family. They completed a work day weeding and clearing the inlet and plan to keep an eye on the garden.

Landry Park

Location: North St., Winooski

This garden was constructed in 2006 as two, separate gardens along the narrow strip of grass between a fence at Landry Park and the road. Over the years, the gardens have become overgrown, but Winooski DPW officials believe it still functions well, even with the tall, dense shrubs. A few years ago, nearby road construction altered the slope of the road carrying larger volumes of water into the garden. The increased flows have killed some of the vegetation and caused gullies to form, but the vegetation seems to have rebounded. In 2016, a group of UVM students in an Ecosystem Design course developed recommendations to repair the garden. In 2019, RRST coordinator spoke with Tim Grover and Jon Choate of Winooski DPW who agreed to take on responsibility for the garden.

Williston Town Hall Annex

Location: 7900 Williston Rd, Williston

This small garden near the entrance walkway to the Annex building and the parking lot has had an active adopter since 2014: Rita Desseau. Rita maintained the garden in 2018. In 2019, additional work done was weeding, thinning larger shrubs, re-planting in bare spots, and mulching the garden.

Williston Library (aka. Dorothy Alling Memorial Library)

Location: 21 Library Lane, Williston

The Williston Library garden is in good condition and is primarily being cared for by the staff of the library. This garden was previously cared for by Andrew Wolf.

South Burlington High School (formerly the location of the South Burlington Library)

540 Dorset St., South Burlington

WNRCDC received a grant to construct a rain garden at the entrance to what was the South Burlington Library (now South Burlington High School) in 2013. The rain garden received minimal maintenance by the library staff over the years, and was formally adopted in 2016 by Amy Niggel's Cub Scout 678 pack. The pack's leadership changed hands in 2018 and the new cubmaster Bill Kett agreed to continue maintenance of the garden with his pack. In 2019, scout parent Eric Bishop-vonWettberg took ownership of the garden stewardship program with the scouts. The RRST coordinator hosted an orientation and work day for a small group of scouts and leaders in spring 2019 and they have been keeping an eye on the garden ever since.

South Burlington Fire Department

575 Dorset St., South Burlington

The City of South Burlington installed this bioretention area/rain garden in 2015 to improve stormwater management at the Fire Department. Cub Scout pack 678 has volunteered to adopt this rain garden since



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2016. Since there is new leadership in the pack, the RRST coordinator hosted an orientation and work day for a small group of scouts and leaders in spring 2019 and they have been keeping an eye on the garden since.

Rain Garden	Adopter 2019	Notes
Chamberlin School, South Burlington	Chris Provost and students	Long-time volunteer
Coast Guard Station, Burlington	Larry Kupferman	New volunteer this year - met in the fall for an orientation
Landry Park, Winooski	Town of Winooski	Spoke with Tim Grover in spring about maintenance plan
Williston Annex	Rita Dresseau	Long-time volunteer
Williston Town Library	Library grounds staff	Spoke with library leadership in 2018. Next year plan to formalize and agreement.
Callahan Park, Burlington	Brad Ketterling	Long-time volunteer.
Farrell Park, South Burlington	Roan O'Leary	New volunteer this year - local high school student. Met for orientation and work day.
Department of Corrections, South Burlington	Town of S. Burlington	Spoke with Tom DiPietro in spring about town taking on responsibility.
South Burlington Fire Station	Cub Scouts 678 (Eric Bishop-vonWettberg)	Met with leaders and scouts in spring for a work day/orientation
South Burlington Library	Cub Scouts 678 (Eric Bishop-vonWettberg)	Met with leaders and scouts in spring for a work day/orientation

Table 2: 2019 Rain Garden Adopters



This document was prepared by the Winooski Natural Resources Conservation District, who is contracted by Chittenden County's MS4 Committee to run the RRST program.

Volunteer Appreciation Event Summary

2018 Appreciation Event

- In March 2019, we hosted a volunteer appreciation event for the previous year's volunteers. All rain garden adopters and water quality monitors from the 2018 field season were invited. Three people attended. A tour of the Essex Junction Wastewater Treatment Facility was given by Chelsea Mandigo and the RRST coordinator discussed the results of the 2019 season.

2019 Appreciation Event

- In September 2019, we hosted a volunteer appreciation event at CSWD Materials Recycling Facility in Williston for 2019 field season volunteers. The event was attended by 11 people. The tour was led by Lauren Layn, a Stream Team volunteer who also works for CSWD. Attendees provided positive feedback noting that they enjoy educational appreciation events and also enjoyed the breakfast spread.



Figure 13: Volunteers tour the Essex Junction Wastewater Treatment Facility as part of the 2018 volunteer appreciation event. (3/20/19)



Figure 14: Volunteers enjoy breakfast and tour the CSWD Materials Recycling Facility as part of the 2019 volunteer appreciation event. (9/18/19)



RRST Estimated Impact by Municipality

The table below depicts an estimate of the number of individuals engaged in-person in each RRST municipality in 2019.

Town	# of people reached in-person in 2019
Burlington (Project)	78
Colchester (Outreach)	42
Town of Essex (Outreach)	18
Village of Essex Junction (Outreach)	67
Milton (Project)	10
Shelburne (Project)	163
Williston	28
South Burlington	43
Winooski	0
TOTAL	449

Table 3: Interaction with RRST by member town. Note that although no residents in Winooski were directly reached with programming this year, two storm drain murals are still highly visible in the city.



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Appendix A: Clean Water Reading List

Rethink Runoff Stream Team Clean Water Reading List			
<p>This list was developed by the Rethink Runoff Stream Team (RRST). RRST is a stormwater education campaign managed by the Chittenden County Regional Planning Commission and run by the Winooski Natural Resources Conservation District. RRST offers community outreach, volunteer opportunities, workshops, and events in the municipalities of: Burlington, Colchester, Essex, Essex Junction, Milton, Shelburne, South Burlington, Williston & Winooski. If you would like to use this list please display the following text "This list was created by Rethink Runoff Stream team in collaboration with the Lake Champlain Basin Program Resource Library." If you are located in one of the nine municipalities we serve we may be able to run a clean water workshop or activity hour for adults or kids for free and/or loan items to you (like water sampling vials and informational brochures) for a display. Contact kristen@winooskircd.org for more information.</p>			
Title	Author	Category	Source of Recommendation
A Drop of Water	Walter Wick	Adult	LCBP Resource Library at Echo
Disconnected Rivers: Linking Rivers to Landscapes	Ellen Wohl	Adult	Brownell Librarians
In the Land of the Wild Onion: Travels Along Vermont's Winooski River	Charles Fish	Adult	LCBP Resource Library at Echo
Lake Champlain: A Natural History	Mike Winslow	Adult	LCBP Resource Library at Echo
One Life At A Time Please	Edward Abbey	Adult	Stream Team: James Sherard
Paddler's Guide to the Champlain Valley : Exploring the Rivers, Creeks, Wetland and Ponds	Margret Holden	Adult	Kristen Balschunat: Stream Team
Round River	Aldo Leopold	Adult	Stream Team: James Sherard
Snow Crystals	WA Bentley	Adult	LCBP Resource Library at Echo
The Art of Lake Champlain: Inspiring Landscape	Unknown	Adult	LCBP Resource Library at Echo
The Death & Life of the Great Lakes	Dan Egan	Adult	Stream Team: Chelsea Mandigo
The Water Between: A Photographic Celebration of Lake Champlain		Adult	LCBP Resource Library at Echo
Vernal Pools: Natural History and Conservation	Elizabeth A. Colburn	Adult	Brownell Librarians
Water: A Natural History	Alice Outwater	Adult	Stream Team: Tom DiPietro
Watersheds: A Practical Handbook for Healthy Water	Clive Dobson	Adult	LCBP Resource Library at Echo
Wetland, Woodland, Wildland: A Guide to the Natural Communities of Vermont	Elizabeth H. Thompson	Adult	Stream Team: Kristen Balschunat



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Around the Pond: Who's Been Here?	Lindsay Barrett George	Childrens	LCBP Resource Library at Echo
Champ and me by the Maple Tree	Ed Shankman	Childrens	LCBP Resource Library at Echo
Dwayne the Storm Drain	Mass. Water Professionals	Childrens	Stream Team: Chelsea Mandigo
From Raindrop to Tap	Michael Bright	Childrens	Brownell Librarians
Muskrat will be Swimming	Cheryl Savageau	Childrens	LCBP Resource Library at Echo
Over and Under the Pond	Kate Messner	Childrens	LCBP Resource Library at Echo
Racoon's Last Race	Joseph Bruchac and James Bruchac	Childrens	LCBP Resource Library at Echo
Song of the Water Boatman and Other Poems	Joyce Sidman	Childrens	LCBP Resource Library at Echo
Thirteen Moons on the Turtle's Back	Joseph Bruchac and Jonathan London	Childrens	LCBP Resource Library at Echo
Trout are Made of Trees	April Pulley Sayre	Childrens	LCBP Resource Library at Echo
Water: Up, Down, and All Around	Natalie M. Rosinsky	Childrens	LCBP Resource Library at Echo
Hatchet & The River	Gary Paulsen	Young Adult	Stream Team: James Sherard



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2019 Water Quality Monitoring Interim Report

2/24/2020



2019 Stream Team Volunteers say “cheers” to clean water during the volunteer training day in June.



Report prepared by: Kristen
Balschunat, Conservation Specialist
Winooski Natural Resources
Conservation District



Funded by: LaRosa Partnership, VT
Department of Environmental Conservation
Watershed Management Division

Monitoring Team

The Rethink Runoff Stream Team (formerly the Chittenden County Stream Team) is a program that engages citizens across a nine-municipality region to implement projects that reduce nonpoint source pollution and stormwater volume at the local level. The participating municipalities are Burlington, Colchester, Essex, Essex Junction, Milton, Shelburne, South Burlington, Williston, and Winooski. The Water Quality Monitoring program is managed by the Chittenden County’s Municipal Stormwater Separate System Committee, coordinated by the Winooski Natural Resources Conservation District, and made possible through the support of the Vermont Department of Environmental Conservation LaRosa program. This report describes the results from the 2019 collection season; the eighth, consecutive year data was collected by this volunteer-led stream water quality monitoring effort in Chittenden County.

When, Where, and What the Stream Team Monitors

The Rethink Runoff Stream Team (RRST) has collected biweekly water quality samples at several pollutant “impaired” or “stressed” stream sites in Chittenden County since 2012. These urban or suburban streams suffer from excessive nutrient loads, sodium chloride, sedimentation, high temperatures, bacteria, and/or other pollutants. Samples were collected on six different dates in 2019: on five, scheduled bi-weekly dates and on one “high-flow” dates (i.e. during a rain event). High-flow sampling provides a snapshot of the potentially, elevated or diluted pollutant-loads moving through these systems when it rains. Samples were analyzed for total phosphorus, and chloride at all 21 sites. The specific sampling sites and their locations are listed in Table 1 and a map of the sites is shown in Figure 1.

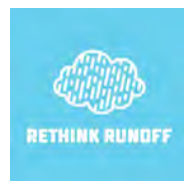
Biweekly sampling occurred on: June 25th, July 9th, July 23th, and August 6th and August 20th Rain event sampling or “high-flow”(freshet) sampling occurred on August 8th at sites on Indian, Muddy, Potash, Centennial and Morehouse brooks. Between August 7th and 8th 1.19 inches of rain fell overnight, therefore the sampling on August 8th is classified as a highflow event. All other biweekly sampling dates fell during dry conditions or base flow events.

Table 1. Rethink Runoff Stream Team 2019 Water Quality Sampling Sites

<i>Stream</i>	<i>Location</i>	<i>Site ID</i>	<i>Sampling Reason</i>	<i>Types of Samples</i>	<i>Lat / Long</i>
Centennial Brook	Grove Street in Burlington	Centennial 10	Long Term monitoring since 2012	TP, Chloride	44.48453, -73.18423
	Patchen Road in Burlington	Centennial 20	Monitoring since 2017	TP, Chloride	44.47402, -73.17334
Indian Brook	Essex High School	Indian 10	Long Term monitoring since 2012	TP, Chloride	44.49668, -73.11093
	Lang Farm in Essex	Indian 20	Long Term monitoring since 2012	TP, Chloride	44.50442, -73.09190
Malletts	McMullen Road	Malletts 10	Long Term monitoring since	TP,	44.60855,



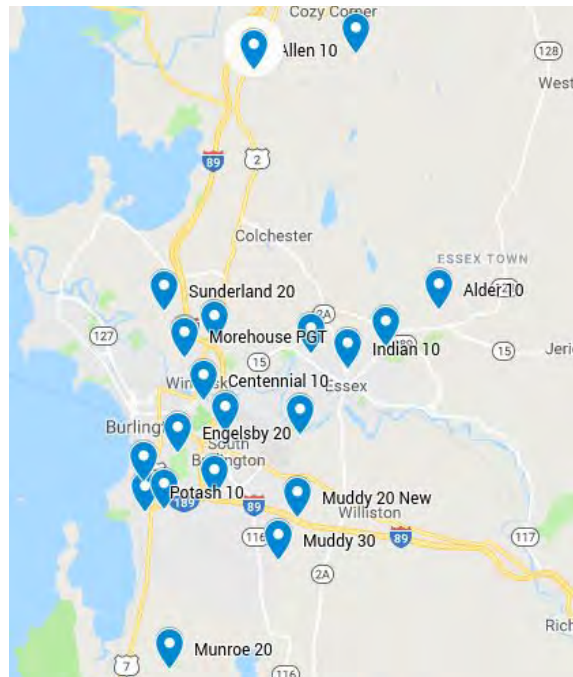
Creek			2012	Chloride	-73.10693
Munroe Brook	Spear & Webster Intersection	Munroe 20	Monitor impact of new housing development upstream. Monitored since 2012	TP, Chloride, Turbidity	44.38984, -73.20103
Morehouse Brook	Landry Park Winooski - Pine Grove Terrace Branch	Morehouse PGT	Town of Winooski will install a detention pond this year. Monitor effectiveness.	TP, Chloride, Turbidity	44.50081, -73.194
	Landry Park - Industrial Park Branch	Morehouse IPB	Compare two branches of Morehouse brook	TP, Chloride, Turbidity	44.50015, -73.1937
Muddy Brook	River Cove Road in Williston	Muddy 10	Long Term monitoring since 2012	TP, Chloride	44.47293, -73.13505
	Exact location TBD	Muddy 20	Monitor effectiveness of new town easements in watershed	TP, Chloride	Needs scoping
	Van Sicklen Road in Williston	Muddy 30	Long Term monitoring since 2012	TP, Chloride	44.42823, -73.14622
Potash Brook	Kindness Court in South Burlington	Potash 10	Long Term monitoring since 2012	TP, Chloride	44.44572, -73.21348
	Farrell Street in South Burlington	Potash 20	Long Term monitoring since 2012	TP, Chloride	44.44660, -73.20415
	Dorset Street in South Burlington	Potash 30	Long Term monitoring since 2012	TP, Chloride	44.45150, -73.17849
Engelsby Brook	Pine St in Burlington	Engelsby 10	Long Term monitoring since 2012	TP, Chloride	44.45627, -73.21394
	Redstone Campus in Burlington	Engelsby 20	Monitoring since 2017	TP, Chloride	44.46654, -73.19741
Sunderland Brook	Pearl St Park in Essex Junction	Sunderland 10	Part of Town of Essex chloride Study	TP, Chloride	44.50179, -73.12983
	Just above Rte 2/7 culvert in Colchester	Sunderland 20	Part of Town of Essex chloride Study	TP, Chloride	44.51685, -73.20421
Sunnyside Brook	Near Hercules Rd. Colchester	Sunnyside 10	Brook impaired for chloride, awaiting TMDL	TP, Chloride	TBD



Allen Brook*	Milton	Allen 10	Currently NOT stormwater impaired. Will monitor for changes	TP, Chloride, Turbidity	TBD - needs scoping
Alder Brook	Off of Rte 289 in Essex	Alder 10	Part of Town of Essex chloride Study	TP, Chloride	44.51742, -73.06559

* Although we planned to sample on Allen Brook, our volunteer experienced issues accessing the site so we were not able to submit any samples to the lab. We will try to find a better site in 2020.

Figure 1: 2019 Rethink Runoff Stream Team Sample Sites



Sampling Summary

Altogether, samplers collected 200 field samples (100 phosphorus samples and 100 chloride samples). Additionally they collected ~20 duplicate samples and ~20 blank samples for data quality checking purposes. These duplicate and blank numbers represent 10% of the total sampling effort, aligning with the requirements in the QAPP and the guidance of the lab. The combined total resulted in **140** samples submitted to the lab.

Challenges

As of 2/24/2020 the Stream Team has not received quality checked data from the LaRosa Program and has therefore not been able to complete the analyses needed to write the 2019 Water Quality Sampling Final Report. As soon as the data is received we will work on analysis and report writing. We plan to use similar format and statistical analyses to those completed in the 2019 Water Quality Sampling Report.



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BURLINGTON INTERNATIONAL AIRPORT

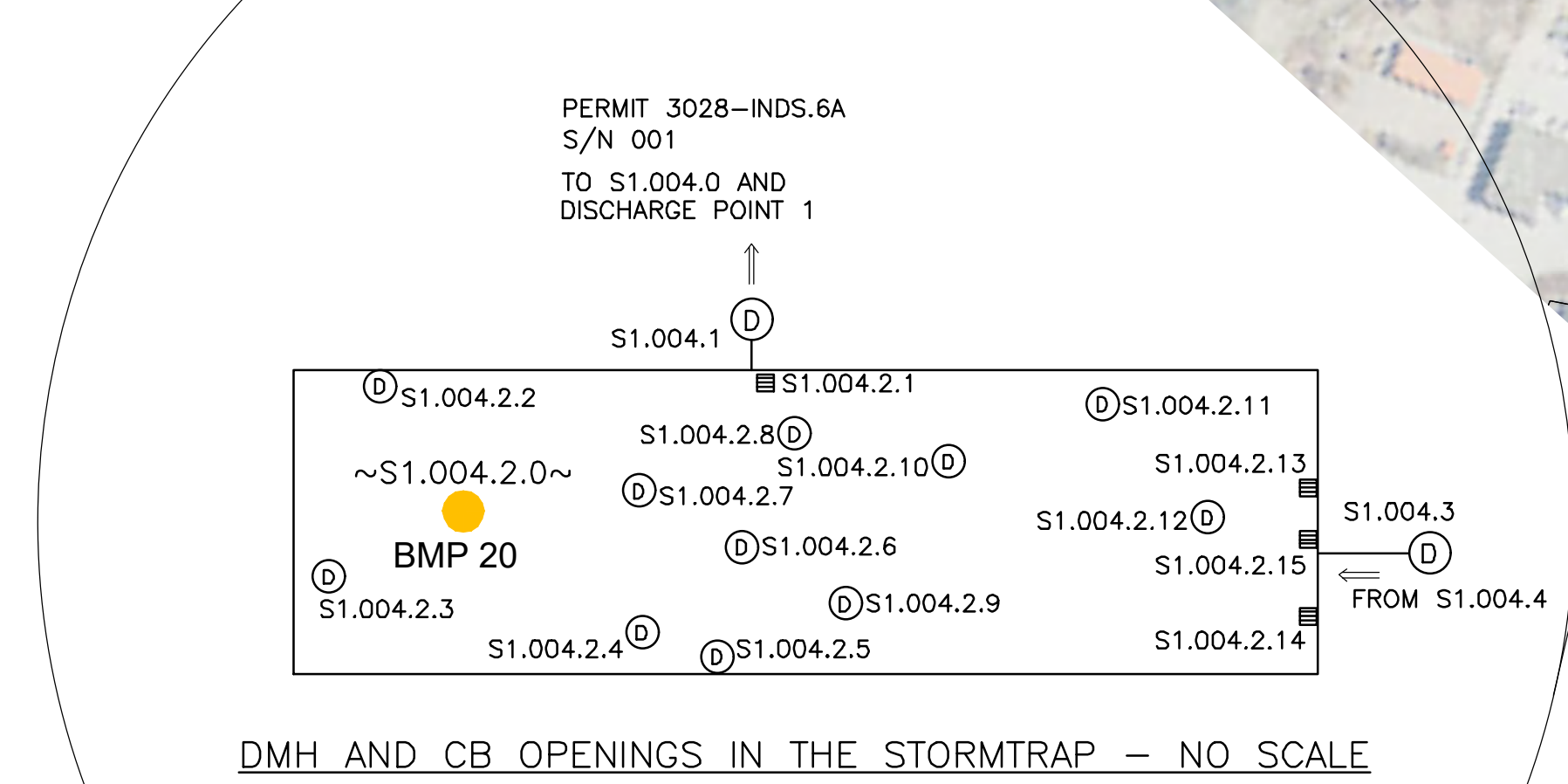
**Annual Report for General Permit
3-9014 (MS4)
including
Annual Reporting Summary for
MS4-Incorporated Operational
Stormwater Discharge Permits**

April 1, 2020

Appendix E

**Illicit Discharge Detection and Elimination (MCM #3)
Site Drainage Map**

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STORMWATER DISCHARGE POINTS FOR THE BURLINGTON INTERNATIONAL AIRPORT

OUTFALL NUMBER	DISCHARGE DESIGNATION	STRUCTURE	DEGREES - MINUTES - SECONDS	DEGREES - MINUTES - SECONDS	DEGREES - MINUTES - SECONDS	DEGREES - MINUTES - SECONDS
1	Q001A	S1.000	44 28 56.68	44 48 24.11	73 10 12.08	73 17 07.77
2	AP700	S1.001	44 28 41.52	44 47 50.00	73 10 5.58	73 14 02.08
3	CN001	CN001	44 28 26.26	44 47 59.61	73 9 35.46	73 15 58.50
4	SW001	SW001	44 27 47.51	44 48 31.97	73 9 14.50	73 15 40.28
5	PO07	S2.042	44 27 49.85	44 48 30.14	73 9 8.82	73 15 24.50
6	PO06	S2.033	44 27 47.09	44 48 30.81	73 9 8.48	73 15 32.56
7	PO05	S2.020	44 27 48.23	44 48 33.97	73 9 1.84	73 15 52.71
8	PO01	S2.001	44 27 48.19	44 48 33.86	73 8 57.68	73 14 33.56
9	PO02	S3.001	44 27 46.54	44 48 29.28	73 8 54.60	73 14 55.00
10	MU01	S3.043	44 27 49.62	44 48 21.11	73 8 48.62	73 14 11.11
11	MU02	S3.007	44 27 47.10	44 48 30.83	73 8 42.87	73 14 31.86
12	MU03	S3.039	44 27 43.33	44 48 32.58	73 8 38.88	73 14 47.58
13	MU04	S3.033	44 27 41.16	44 48 14.33	73 8 34.77	73 14 39.92
14	MU05	S3.023	44 27 39.65	44 48 10.14	73 8 34.88	73 14 30.22
15	TO018	S4.001	44 27 53.01	44 48 44.47	73 9 19.50	73 13 27.50
16	NG001-P	S6.016	44 28 46.20	44 47 55.00	73 9 23.74	73 15 54.94
17	NG002-N	S6.012	44 28 49.05	44 48 02.92	73 9 32.34	73 15 59.83
18	NG003-D	S8.005-0	44 28 52.44	44 48 12.33	73 9 36.89	73 16 02.47
19	NG004-M	S6.001	44 28 54.67	44 48 18.53	73 9 40.56	73 16 12.67

PROGRESS PRINT ONLY
MARCH 11, 2021

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BURLINGTON INTERNATIONAL AIRPORT

**Annual Report for General Permit
3-9014 (MS4)**

including

**Annual Reporting Summary for
MS4-Incorporated Operational
Stormwater Discharge Permits**

April 1, 2021

Appendix F

**Construction Site Stormwater Runoff Control (MCM #4)
Active Individual Construction Stormwater Discharge
Permits (INDC's) in 2020**

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

DISCHARGE PERMIT
NPDES Number: VTS0000202
Permit Number: 3028-INDC.4

For Stormwater Runoff from the Construction of the Burlington International Airport - Consolidated Rental Car Facility located at 1200 Airport Drive #1 in South Burlington, VT.

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

Permittee: City of Burlington, Burlington International Airport
1200 Airport Drive, #1
South Burlington, VT 05403

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

are hereby authorized by the Secretary of the Agency of Natural Resources (ANR), to discharge stormwater runoff from the construction site of the **Consolidated Rental Car Facility located at 1200 Airport Drive** discharging to **Unnamed Tributary of the Winooski River and Groundwater within the Winooski River.**

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

- C-701, "EPSC EXISTING CONDITIONS SITE PLAN", APRIL 13, 2016**
- C-702, "EPSC CONSTRUCTION SITE PLAN", APRIL 13, 2016**
- C-703, "EPSC FINAL CONDITIONS SITE PLAN", APRIL 13, 2016**
- C-704, "EPSC DETAIL SHEET", APRIL 13, 2016**
- C-705, "EPSC GENERAL NOTES AND NARRATIVE", APRIL 13, 2016**

Prepared by **Stantec**
Received **4/15/2016**

Part I. Coverage Under this Permit

A. Discharges Covered by this Permit

Subject to compliance with the terms and conditions of this permit, this permit authorizes the discharge of pollutants in stormwater associated with the construction **Consolidated Rental Car Facility located off along the at 1200 Airport Drive discharging to Unnamed Tributary of the Winooski River and Groundwater within the Winooski River**. This permit only applies to construction activities performed in accordance with the approved EPSC Plan. This permit also authorizes discharges from excavation dewatering activities in accordance with Part II.H of this permit.

B. Limitations on Coverage

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

C. Off-Site Support Activities

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

D. Co-Permittees

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

Part II. Erosion Prevention and Sediment Control Requirements

A. Implementation of EPSC Plan

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

2. The EPSC Plan is incorporated by reference and included in the terms of this permit, and each permittee shall implement the provisions of the EPSC Plan, and all amendments thereto, as a condition of this permit. Failure to comply with the EPSC Plan, and all amendments thereto, shall be deemed a violation of this permit and subject to potential enforcement.
3. Each permittee is responsible for ensuring that each co-permittee involved in construction activities is familiar with the terms and conditions of the EPSC Plan and that each co-permittee's activities are carried out in accordance with the EPSC Plan.
4. The permittee shall assure that construction of all small and large sediment control practices, where proposed on the site, are completed in accordance with the 2006 Vermont Standards and Specifications for Erosion Prevention and Sediment Control prior to upslope earth disturbance of areas for which these features are designed to provide sediment control.
5. The permittee shall assure that, prior to earth disturbance within any area of the site located within 100 feet upslope of a stream or wetland, silt fence or approved perimeter control shall be installed in accordance with the 2006 Vermont Standards and Specifications for Erosion Prevention and Sediment Control and the EPSC Plan at an appropriate distance down slope from disturbed areas and upslope from such waters.
6. The permittee shall install all required elements with the EPSC Plan within a given work area prior to earth disturbance within that work area. Earth disturbance includes, but is not limited to, stumping and grubbing of cleared areas.

B. On-Site Plan Coordinator (OSPC)

1. The permittee shall designate a person as the OSPC who shall be directly responsible for on-site implementation of the EPSC Plan. Such person shall be knowledgeable in the principles and practice of erosion prevention and sediment controls and possess the skills to assess conditions at the construction site that could impact stormwater quality and to assess the effectiveness of all sediment and erosion control measures selected to control the quality of stormwater discharges from the construction activity.
2. The OSPC shall have the authority to stop and/or modify construction activities as necessary to comply with the EPSC Plan and the terms and conditions of this permit and shall be responsible for inspections and record keeping. The OSPC or his/her designee shall be on site on a daily basis during construction activity. The OSPC does not have to be the permit applicant.
3. The name and daytime telephone number of the OSPC shall be filed in writing with DEC's Stormwater Management Program before the start of construction.

C. Maintenance of Erosion Prevention and Sediment Control Measures

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

2. If existing BMPs need to be modified or if additional BMPs are necessary for any reason, implementation shall be completed before the next storm event. If implementing BMPs is impracticable before the next storm event, then the affected area shall be stabilized temporarily until such time that the BMPs can be installed.

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

1. If, based upon inspections or investigations by DEC representatives, it is determined that the EPSC Plan will not be sufficient to prevent runoff of visibly discolored stormwater from the construction site, the permittee shall modify the EPSC Plan as necessary to include additional or modified BMPs designed to correct problems identified. Revisions to the EPSC Plan shall be completed within seven (7) calendar days following the inspection or investigation.
2. At any time after issuing this permit, the Secretary may, in his or her sole discretion, determine that a stormwater discharge may cause, has reasonable potential to cause, or contribute to a violation of Vermont's Water Quality Standards. If such a determination is made, the Secretary will require the permittee to:
 - a. Amend the EPSC Plan to address adequately the identified water quality concerns;
 - b. Submit valid and verifiable data and information that are representative of ambient conditions and indicate that the receiving water is attaining water quality standards; or
 - c. Cease discharges of pollutants to surface waters from the construction activity.
3. The Secretary has the sole discretion to order a permittee to immediately stop all ongoing construction and construction-related activities upon a finding that a discharge or potential discharge from such activities presents a current or potential threat of harm to the environment. The Secretary's stop work order may also require the permittee to take all actions to prevent or correct the discharge or potential discharge. Any action taken by the Secretary pursuant to this subpart shall not limit the Secretary's authority to pursue other enforcement actions pursuant to 10 V.S.A Chapters 47 and 201.
4. Each revised EPSC Plan prepared pursuant to this Part shall be maintained on-site.

E. EPSC Plan Availability

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

F. Amending the EPSC Plan

1. The permittee shall amend the EPSC Plan prior to implementing any change in the design, construction, operation or other procedure which would alter the grading plan, construction sequence, or the location or implementation of any BMPs.
2. An amendment to the EPSC Plan is required, if after taking corrective action, as required in Part III.B, it is determined that the EPSC Plan requires an amendment to be effective in future efforts in preventing erosion and controlling the discharge of sediment.
3. An amendment to the EPSC Plan is required if the Secretary makes this determination pursuant to Part II.D.2 of this permit.

4. The OSPC is authorized to implement minor changes that involve substituting accepted interchangeable erosion prevention and sediment control practices, as detailed in the Vermont Erosion Prevention and Sediment Control Field Guide. The substitution of interchangeable practices shall be noted on the on-site EPSC Plan, on a form provided by the Secretary.
5. For changes to the EPSC Plan other than substitution of interchangeable practices from the Vermont Erosion Prevention and Sediment Control Field Guide, the permittee shall have the EPSC Plan modified to reflect the change by either the original designer, a professional engineer licensed in the State of Vermont or a Certified Professional in EPSC. Such modification shall include a certification that the modified EPSC Plan meets the requirements of this permit and The Vermont Standards and Specifications for Erosion Prevention and Sediment Control on a form provided by the Secretary.
6. All proposed changes to the EPSC Plan that do not conform to The Vermont Standards and Specifications for Erosion Prevention and Sediment Control must be submitted to DEC for formal approval prior to implementation of the changes in the field. The submission shall include:
 - a. Narrative description of the plan changes;
 - b. Justification for the alternative EPSC practice(s);
 - c. Updated EPSC Plan sheets showing the proposed changes;
 - d. Any additional information required by the Secretary.
7. Any change that involves earth disturbance substantially outside of the originally authorized limits of disturbance requires coverage under a separate authorization or amendment to this permit. Any such change shall require permittee to submit to DEC for formal approval prior to implementation of the change. In consideration for approval, DEC may consider several factors in determining whether the change is substantial and requires an amendment to the permit, including but not limited to size of additional area(s) to be disturbed, existing condition of area(s) to be disturbed, proximity to water resources and their buffers, and may consider whether the change will negatively impact water resources. The submission shall include:
 - a. Narrative description of the change(s);
 - b. Justification for the change;
 - c. Updated EPSC Plan sheets showing the proposed change(s);
 - d. Any additional information requested by the Secretary deemed necessary for consideration.

G. Late Fall/Winter/Early Spring Construction Activities

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

October 15 and April 15 if late fall/winter/early spring construction is determined to present a significant risk to water quality.

H. Dewatering Activities

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

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

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

I. Disturbance Limitations/Stabilization

1. The total earth disturbance associated with construction of this project is approximately **3.08** acres. The maximum area of concurrent earth disturbance at any one time allowed under this permit is **3.08** acres.
2. All areas of earth disturbance must be stabilized within **14** days of initial disturbance. After this initial 14-day period, all disturbances in these areas must be stabilized on a daily basis, with the following exceptions:
 - a. Stabilization is not required if work is to continue in the disturbed area within the next 24 hours and there is no precipitation forecast for the next 24 hours.
 - b. Stabilization is not required if the work is occurring in a self-contained excavation (i.e. no outlet for stormwater) with a depth of 2 feet or greater (e.g. underground utility installation).
 - c. During Winter Construction, to ensure cover of disturbed soil in advance of a melt event, areas of disturbed soil must be stabilized at the end of each work day, in accordance with the previous exceptions.

J. Pre-construction Conferences

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

K. Presumption of Compliance with Vermont's Anti-Degradation Policy and Water Quality Standards

The Secretary has determined that the permitted discharges satisfy Vermont's Anti-Degradation Policy described in the DEC's Interim Anti-Degradation Implementation Procedure (Procedure), because the procedure allows a presumption of compliance for discharges that meet the requirements of a BMP or treatment and control manual as described in Section IX.D.1.a of the Procedure. The Secretary has also determined that for such discharges that qualify for the presumption under IX.D.1.a, 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, sampling, 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 Standards and Specifications for Erosion Prevention and Sediment Control and qualify for the presumption described in Section IX.D.1.a of the Procedure and will be presumed to comply with the Vermont Water Quality Standards, including but not limited to §1-03 (Vermont's Anti-degradation Policy).

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

A. General Inspection Requirements

1. The permittee is responsible for inspecting and maintaining erosion prevention and sediment controls that minimize or eliminate pollutants in the discharge in accordance with the requirements of this permit.
2. Inspections shall be conducted at least once every seven (7) calendar days and as required in Part III.B of this permit.
3. During the late fall/winter/spring construction season (October 15th through April 15th), daily inspections shall be conducted of areas that have been disturbed and are not yet finally stabilized.
4. Inspection frequency may be reduced to not less than one (1) per month if the entire site is temporarily stabilized.
5. Inspections may be postponed indefinitely if the entire site is permanently stabilized.
6. Inspections shall be conducted by, or under the direction of, the OSPC.
7. Inspections shall include all areas of the site disturbed by construction activity and all discharge locations, including areas with temporary stabilization.
8. An inspection report shall be completed for each inspection and signed by the OSPC or the person acting under the direction of the OSPC. At a minimum, each inspection report shall include:
 - a. The inspection date;
 - b. Names, titles, and qualifications of personnel making the inspection;
 - c. A general description of weather information for the period since the last inspection (or since commencement of construction activity if the first inspection) including a description of any precipitation, any runoff of visibly discolored stormwater from the construction site and any discharges of visibly discolored stormwater from the construction site to waters of the state;
 - d. A description of current weather information and a description of any runoff or discharges of visibly discolored stormwater to waters of the state occurring at the time of the inspection;
 - e. Location(s) of runoff or discharges of visibly discolored stormwater to waters of the state from the construction site;
 - f. Location(s) of BMPs that need to be maintained;
 - g. Location(s) of BMPs that failed to operate as designed or proved inadequate for a particular location;
 - h. Location(s) where additional BMPs are needed that did not exist at the time of inspection;
 - i. Any corrective action required including any necessary changes to the EPSC Plan and implementation dates;
 - j. Description of areas that are currently disturbed and areas that have been temporarily or finally stabilized since last inspection;

- k. A description of the soil conditions (e.g. dry, wet, saturated); and
 - l. A certification that the construction activities are now in compliance with the EPSC Plan and this permit.
9. A record of each inspection report and of any actions taken in accordance with this Subpart shall be maintained on-site with the EPSC Plan and shall be made available upon request by DEC representatives.
10. When site conditions between April 15th – May 15th are similar to winter conditions (e.g. snow cover, frozen ground and/or saturated soils) within the areas of planned earth disturbance, the appropriate winter restrictions on page 3.19 of the 2006 Vermont Standards and Specifications for Erosion Prevention and Sediment Control selected by the OSPC shall be applied to the portions of the site that are experiencing those conditions.

B. Inspection, Sampling and Corrective Action Requirements

1. As soon as reasonably possible, during, or after, every rainfall event or snowmelt event which produces runoff from the construction site, the OSPC shall inspect for the runoff of visibly discolored stormwater from the construction site. If there is runoff of visibly discolored water from the construction site, the OSPC shall as soon as practicable inspect and maintain BMPs for compliance with the approved EPSC plan. For purposes of this permit, “construction site” shall mean the land or water area where any facility or activity is physically located or conducted, including adjacent land used in connection with the facility or activity or the area of earth disturbance directly associated with the permitted construction activity.
2. If after inspecting and maintaining existing BMPs in accordance with Part III.B.1, the runoff of visibly discolored stormwater continues, the OSPC shall sample the runoff as follows:
 - a. A turbidity sample shall be taken at each point where visibly discolored stormwater runs off the construction site. Samples shall be representative of the flow and characteristics of the runoff.
 - b. If due to unexpected circumstances an OSPC is unable to sample during periods of runoff, the monitoring report shall include a brief explanation of such circumstances.
 - c. Sampling is required at all points where visibly discolored stormwater runoff from disturbed areas that have not been finally stabilized leaves the construction site.
 - d. All sampling points shall be identified on the EPSC Plan site map and be clearly marked in the field with a flag, tape, stake or other visible marker.
 - e. After approval by DEC, sampling may be discontinued at those points of stormwater runoff that are deemed to pose no risk of discharge to waters of the state.
3. If the turbidity sample taken is 25 NTU or lower, no further sampling or action is required during this particular event.
4. If the turbidity sample taken is greater than 25 NTU:
 - a. The OSPC shall as soon as practicable evaluate the need for supplemental BMPs and install such BMPs as necessary to correct the runoff.
 - b. The OSPC shall, within 72 hours of first discovering the runoff, submit a written report about the runoff and resulting corrective action to the Secretary. The report shall:
 - i. Be on a form provided by the Secretary
 - ii. Describe the cause, time and date, and location of the runoff;
 - iii. Describe the status of construction and conformance with the EPSC Plan at the time of the runoff;

- iv. Detail the corrective action taken to stop the runoff, including a description of the actions taken, their location, and the time and date of the corrective action; and
- v. Be copied and a copy retained on-site with the EPSC Plan.

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

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

C. Recordkeeping

1. The following records shall be maintained on-site with the EPSC Plan:
 - a. Inspection reports prepared pursuant to Part III.A of this permit;
 - b. Discharge Reports, Corrective Action reports and Summaries of Releases prepared pursuant to Parts III.B and VIII.C of this permit;
 - c. Notices of Addition or Termination of Co-Permittees submitted to the Secretary in accordance with Part V of this permit;
 - d. Any Notices of Termination for Portions of the On-going Construction Site in accordance with Part V of this permit; and
 - e. Any amendments to the EPSC Plan required by this permit.
2. A copy of the authorized EPSC Plan shall be on-site during normal working hours from the date of commencement of construction activities to the date of final stabilization. EPSC Plans shall be made available upon request by DEC representatives.
3. The OSPC shall have a copy of the EPSC Plan and all amendments available at a central location on-site for the use of all those identified as having responsibilities under the EPSC Plan whenever they are on the construction site.
4. The permittee shall post a Notice of Authorization, provided by the Secretary, demonstrating authorization under this permit. The notice shall be placed near the construction entrance at a location visible to the public.

Part IV. EPSC Specialist Oversight

EPSC Specialist

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

2. The EPSC Specialist shall determine, confirm, and report whether the EPSC Plan is being followed and that appropriate revisions are being made to the EPSC Plan when the EPSC Plan proves inadequate. In addition, the EPSC Specialist shall, in conjunction with the OSPC bear the responsibility of reviewing the site to ensure compliance with the approved EPSC Plan and to direct corrective action in accordance with Part III.B of this permit.
3. The EPSC Specialist shall notify the contractor when changes in practice are necessary to comply with the EPSC Plan and the terms and conditions of this permit. The EPSC Specialist shall be responsible for inspections, photo documentation, and record keeping and shall, biweekly during earth disturbance activities, file with DEC a report outlining:
 - a. Construction status;
 - b. EPSC practices installed and removed since last report;
 - c. New measures undertaken subsequent to the prior report;
 - d. Erosion problems encountered and how and when resolved;
 - e. Status of the project in terms of consistency with the planned construction sequence;
 - f. Description, including location and total area (acres), of disturbed land at the time of the inspection;
 - g. Description of areas temporarily or permanently stabilized since the last inspection record;
 - h. Changes in the EPSC Plan that are required (including submission for authorization from DEC, when necessary);
 - i. When dewatering is underway, discussion and photographs of measures being utilized for treatment, and turbidity monitoring results in conformance with Part III.H of this permit;
 - j. Photographs of areas stabilized since the prior report;
 - k. Photographs of all disturbed areas;
 - l. Photographs of receiving water(s) at turbidity monitoring location(s); and
 - m. All turbidity monitoring results collected since prior report in accordance with Subpart III.B of this permit.
4. In advance of the start of construction, the EPSC Specialist shall present to DEC for approval the proposed reporting format. Construction may not commence prior to DEC's written approval of the reporting format and schedule. Bi-weekly reports shall be submitted by the Wednesday, or as soon as responsibly possible, following the end of the bi-weekly period. EPSC Specialist reports shall be filed via mail with:

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

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

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

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

A. Transfer of Permit Coverage

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

2. A Notice of Transfer must be submitted to the Secretary not later than thirty (30) days prior to the transfer and shall include the following:
 - a. The name and address of the present permittee;
 - b. The name and address of the prospective permittee;
 - c. The proposed date of transfer; and
 - d. A statement signed by the prospective permittee, stating that:
 - i. The conditions of the facility operation that contribute to, or affect, any discharge will not be materially different under the new ownership;
 - ii. The prospective permittee has read and is familiar with the terms of the permit and agrees to comply with all the terms and conditions of the permit; and
 - iii. The prospective permittee has adequate funding or other means to effect compliance with all the terms of the permit.

B. Adding or Terminating Co-Permittees

1. An owner or principal operator may be added as a co-permittee by filing a Notice of Addition of Co-Permittee form with the Secretary. The Co-Permittee shall be subject to all the terms and conditions of this permit and the EPSC Plan.
2. If the owner of the construction site obtains coverage under this permit and the owner is not the principal operator or the sole principal operator, then all principal operators shall obtain coverage as co-permittees in accordance with this Subpart prior to the commencement of construction activities.
3. A co-permittee may be terminated as a Co-Permittee by filing a Notice of Termination of Co-Permittee form on a form provided by the Secretary. The Co-Permittee shall only be terminated from the permit upon approval by the Secretary.

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

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

D. Notice of Termination for the Entire Construction Site

1. The permittee may submit a NOT for the entire construction site in the following instances:
 - a. Final stabilization has been achieved on the entire construction site for which the permittee is responsible;

- b. Another operator has assumed control over all areas of the site that have not been finally stabilized and has obtained permit coverage; or
 - c. Coverage under an individual or DEC's General Permit 3-9020 for Stormwater Runoff from Construction Sites (Amended 2008) or its replacement has been obtained.
2. To obtain a notice of termination for the entire construction site, the permittee shall follow the requirements of Part V.E of this permit.
- E. Submitting a Notice of Termination
1. A permittee shall submit a complete and accurate NOT, on a form provided by the Secretary.
 2. A NOT shall include, at a minimum, the following information:
 - a. The permit number for which termination is sought;
 - b. The basis for submission of the NOT;
 - c. The owner's and operator's name, address and telephone number;
 - d. The name of the project and address (or a description of location if no street address is available) of the construction site for which the notification is submitted;
 - e. A certification statement, signed and dated by the OSPC and by an authorized representative as defined in the signature requirements in Part VIII.I, and the name and title of that authorized representative; and
 - f. If the NOT is for only a portion of an ongoing construction project, a description of the portion of the site to which the NOT will apply and a plan showing the boundaries of this portion.

Part VI. Violation of Permit Requirements; Enforcement

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

Part VII. Appeals

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

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

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

Pursuant to 10 V.S.A. Chapter 220, if this decision relates to all other projects, any appeal of this decision must be filed with the clerk of the Environmental Court within 30 days of the date of the decision. The appellant must attach to the Notice of Appeal the entry fee of \$250.00 payable to the State of Vermont. The Notice of Appeal must specify the parties taking the appeal and the statutory provision under which each party claims party status; must designate the act or decision appealed from; must name the Environmental Court; and must be signed by the appellant or their attorney. In addition, the appeal must give the address or location and description of the property, project or facility with which the appeal is concerned and the name

of the applicant or any permit involved in the appeal. The appellant must also serve a copy of the Notice of Appeal in accordance with Rule 5(b)(4)(B) of the Vermont Rules for Environmental Court Proceedings. For additional information, see the Vermont Rules for Environmental Court Proceedings, available online at www.vermontjudiciary.org or call (802) 951-1740. The address for the Environmental Court is 32 Cherry Street, 2nd Floor Suite 303, Burlington, Vermont 05401.

Part VIII. Standard Permit Conditions

A. Permit Actions

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

B. Limitations

1. This permit conveys no vested rights or exclusive privileges. The permit conveys no title to land nor authorizes any injury to public or private property. The permit does not authorize infringement of any applicable federal, state or local laws or regulations nor obviate the necessity of obtaining such additional permits as may be required.
2. Nothing in this permit shall be construed as having relieved, modified, or in any manner affected the permittee's ongoing obligation to comply with all other federal, state or local statutes, regulations or directives applicable to the permittee in the operation of its business, nor does it relieve the permittee of the obligation to obtain all necessary federal, state and local permits.

C. Prohibitions

1. This permit does not relieve any person of the federal reporting requirements of 40 CFR Part 110, 40 CFR Part 117 and 40 CFR Part 302 relating to spills or other releases of oils or hazardous substances. This permit does not authorize the discharge of hazardous substances or oil resulting from an on-site spill.
2. If a release in excess of reportable quantities occurs, the permittee must modify the EPSC Plan required under Part III within 7 calendar days of knowledge of the release to: provide a description of the release, the circumstances leading to the release, and the date of the release. The EPSC Plan must identify measures to prevent the reoccurrence of such releases and to respond to such releases.
3. Discharges of any material other than stormwater, such as vehicle and equipment maintenance spills, fuels, wash water, construction debris, oil, wet concrete (including washout water from concrete batch trucks or equipment used to mix concrete), and other substances are prohibited.
4. Sediments and other pollutants collected and removed in the course of treatment of stormwater runoff shall be disposed in a manner that will not result in the sediments and pollutants entering waters of the State.

D. Right of Entry

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

E. Historic Properties

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

F. Retention of Records

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

G. Need to Halt or Reduce Activity Not a Defense

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

H. Duty to Mitigate

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

I. Signatory Requirements

1. All applications must be signed as follows:

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

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

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

3. Any person signing documents required under the terms of this permit must include the following certification:

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

J. Duty to Reapply

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

K. Proper Operation and Maintenance

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

L. Notice of Planned Changes

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

M. Notice of Anticipated Noncompliance

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

N. Duty to Provide Information

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

O. Penalty for Permit Violation

10 V.S.A. Section 1275(a) provides that:

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

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

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

P. Penalty for False Statement

10 V.S.A. Section 1275(b) provides that:

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

Q. Severability

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

R. Monitoring

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

S. Twenty-four hour reporting

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

Part X. Effective Date of Permit and Permit Term

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

Signed this 25th day of July, 2016

Alyssa Schuren, Commissioner
Department of Environmental Conservation

By:  Kevin Burke, Environmental Analyst
Stormwater Program
for  Padraic Monks
Stormwater Program Manager

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

DISCHARGE PERMIT
NPDES Number: VTS0000208
Permit Number: 3028-INDC.5

For stormwater runoff from the construction of the **Taxiway 'B' extension** located at 1200 Airport Drive in South Burlington, Vermont.

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

Permittee: City of Burlington, Burlington International Airport
1200 Airport Drive, #1
South Burlington, VT 05403

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

are hereby authorized by the Secretary of the Agency of Natural Resources (ANR), to discharge stormwater runoff from the construction site of the **Taxiway 'B' extension** located on **Airport Drive** discharging to **groundwater of the Muddy Brook watershed**.

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

Sheets 1-2, "Pre-Construction Plan", dated 09/27/2016
Sheets 3-4, "Construction Plan", dated 09/27/2016
Sheets 5-6, "Stabilization Plan", dated 09/27/2016
Sheet 7, "EPSC Narrative", dated 09/27/2016
Sheet 8, "EPSC Notes", dated 09/27/2016
Sheets 9, "EPSC Details", dated 09/27/2016

Prepared by Stantec
Received 9/29/2016

Part I. Coverage Under this Permit

A. Discharges Covered by this Permit

Subject to compliance with the terms and conditions of this permit, this permit authorizes the discharge of pollutants in stormwater associated with the construction **of the Taxiway 'B' extension project** located at **1200 Airport Drive** discharging to groundwater of the Muddy Brook watershed. This permit only applies to construction activities performed in accordance with the approved EPSC Plan. This permit also authorizes discharges from excavation dewatering activities in accordance with Part II.H of this permit.

B. Limitations on Coverage

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

C. Off-Site Support Activities

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

D. Co-Permittees

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

Part II. Erosion Prevention and Sediment Control Requirements

A. Implementation of EPSC Plan

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

2. The EPSC Plan is incorporated by reference and included in the terms of this permit, and each permittee shall implement the provisions of the EPSC Plan, and all amendments thereto, as a condition of this permit. Failure to comply with the EPSC Plan, and all amendments thereto, shall be deemed a violation of this permit and subject to potential enforcement.
3. Each permittee is responsible for ensuring that each co-permittee involved in construction activities is familiar with the terms and conditions of the EPSC Plan and that each co-permittee's activities are carried out in accordance with the EPSC Plan.
4. The permittee shall assure that construction of all small and large sediment control practices, where proposed on the site, are completed in accordance with the 2006 Vermont Standards and Specifications for Erosion Prevention and Sediment Control prior to upslope earth disturbance of areas for which these features are designed to provide sediment control.
5. The permittee shall assure that, prior to earth disturbance within any area of the site located within 100 feet upslope of a stream or wetland, silt fence or approved perimeter control shall be installed in accordance with the 2006 Vermont Standards and Specifications for Erosion Prevention and Sediment Control and the EPSC Plan at an appropriate distance down slope from disturbed areas and upslope from such waters.
6. The permittee shall install all required elements with the EPSC Plan within a given work area prior to earth disturbance within that work area. Earth disturbance includes, but is not limited to, stumping and grubbing of cleared areas.

B. On-Site Plan Coordinator (OSPC)

1. The permittee shall designate a person as the OSPC who shall be directly responsible for on-site implementation of the EPSC Plan. Such person shall be knowledgeable in the principles and practice of erosion prevention and sediment controls and possess the skills to assess conditions at the construction site that could impact stormwater quality and to assess the effectiveness of all sediment and erosion control measures selected to control the quality of stormwater discharges from the construction activity.
2. The OSPC shall have the authority to stop and/or modify construction activities as necessary to comply with the EPSC Plan and the terms and conditions of this permit and shall be responsible for inspections and record keeping. The OSPC or his/her designee shall be on site on a daily basis during construction activity. The OSPC does not have to be the permit applicant.
3. The name and daytime telephone number of the OSPC shall be filed in writing with DEC's Stormwater Management Program before the start of construction.

C. Maintenance of Erosion Prevention and Sediment Control Measures

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

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

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

1. If, based upon inspections or investigations by DEC representatives, it is determined that the EPSC Plan will not be sufficient to prevent runoff of visibly discolored stormwater from the construction site, the permittee shall modify the EPSC Plan as necessary to include additional or modified BMPs designed to correct problems identified. Revisions to the EPSC Plan shall be completed within seven (7) calendar days following the inspection or investigation.
2. At any time after issuing this permit, the Secretary may, in his or her sole discretion, determine that a stormwater discharge may cause, has reasonable potential to cause, or contribute to a violation of Vermont's Water Quality Standards. If such a determination is made, the Secretary will require the permittee to:
 - a. Amend the EPSC Plan to address adequately the identified water quality concerns;
 - b. Submit valid and verifiable data and information that are representative of ambient conditions and indicate that the receiving water is attaining water quality standards; or
 - c. Cease discharges of pollutants to surface waters from the construction activity.
3. The Secretary has the sole discretion to order a permittee to immediately stop all ongoing construction and construction-related activities upon a finding that a discharge or potential discharge from such activities presents a current or potential threat of harm to the environment. The Secretary's stop work order may also require the permittee to take all actions to prevent or correct the discharge or potential discharge. Any action taken by the Secretary pursuant to this subpart shall not limit the Secretary's authority to pursue other enforcement actions pursuant to 10 V.S.A Chapters 47 and 201.
4. Each revised EPSC Plan prepared pursuant to this Part shall be maintained on-site.

E. EPSC Plan Availability

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

F. Amending the EPSC Plan

1. The permittee shall amend the EPSC Plan prior to implementing any change in the design, construction, operation or other procedure which would alter the grading plan, construction sequence, or the location or implementation of any BMPs.
2. An amendment to the EPSC Plan is required, if after taking corrective action, as required in Part III.B, it is determined that the EPSC Plan requires an amendment to be effective in future efforts in preventing erosion and controlling the discharge of sediment.
3. An amendment to the EPSC Plan is required if the Secretary makes this determination pursuant to Part II.D.2 of this permit.
4. The OSPC is authorized to implement minor changes that involve substituting accepted interchangeable erosion prevention and sediment control practices, as detailed in the Vermont Erosion Prevention and

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

5. For changes to the EPSC Plan other than substitution of interchangeable practices from the Vermont Erosion Prevention and Sediment Control Field Guide, the permittee shall have the EPSC Plan modified to reflect the change by either the original designer, a professional engineer licensed in the State of Vermont or a Certified Professional in EPSC. Such modification shall include a certification that the modified EPSC Plan meets the requirements of this permit and The Vermont Standards and Specifications for Erosion Prevention and Sediment Control on a form provided by the Secretary.
6. All proposed changes to the EPSC Plan that do not conform to The Vermont Standards and Specifications for Erosion Prevention and Sediment Control must be submitted to DEC for formal approval prior to implementation of the changes in the field. The submission shall include:
 - a. Narrative description of the plan changes;
 - b. Justification for the alternative EPSC practice(s);
 - c. Updated EPSC Plan sheets showing the proposed changes;
 - d. Any additional information required by the Secretary.
7. Any change that involves earth disturbance substantially outside of the originally authorized limits of disturbance requires coverage under a separate authorization or amendment to this permit. Any such change shall require permittee to submit to DEC for formal approval prior to implementation of the change. In consideration for approval, DEC may consider several factors in determining whether the change is substantial and requires an amendment to the permit, including but not limited to size of additional area(s) to be disturbed, existing condition of area(s) to be disturbed, proximity to water resources and their buffers, and may consider whether the change will negatively impact water resources. The submission shall include:
 - a. Narrative description of the change(s);
 - b. Justification for the change;
 - c. Updated EPSC Plan sheets showing the proposed change(s);
 - d. Any additional information requested by the Secretary deemed necessary for consideration.

G. Late Fall/Winter/Early Spring Construction Activities

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

H. Dewatering Activities

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

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

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

I. Disturbance Limitations/Stabilization

1. The total earth disturbance associated with construction of this project is approximately **9.1** acres. The maximum area of concurrent earth disturbance at any one time allowed under this permit is **5** acres.
2. All areas of earth disturbance must be stabilized within **7** days of initial disturbance. After this initial **7**-day period, all disturbances in these areas must be stabilized on a daily basis, with the following exceptions:
 - a. Stabilization is not required if work is to continue in the disturbed area within the next 24 hours and there is no precipitation forecast for the next 24 hours.
 - b. Stabilization is not required if the work is occurring in a self-contained excavation (i.e. no outlet for stormwater) with a depth of 2 feet or greater (e.g. underground utility installation).
 - c. During Winter Construction, to ensure cover of disturbed soil in advance of a melt event, areas of disturbed soil must be stabilized at the end of each work day, in accordance with the previous exceptions.

J. Pre-construction Conferences

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

K. Presumption of Compliance with Vermont's Anti-Degradation Policy and Water Quality Standards

The Secretary has determined that the permitted discharges satisfy Vermont's Anti-Degradation Policy described in the DEC's Interim Anti-Degradation Implementation Procedure (Procedure), because the procedure allows a presumption of compliance for discharges that meet the requirements of a BMP or treatment and control manual as described in Section IX.D.1.a of the Procedure. The Secretary has also determined that for such discharges that qualify for the presumption under IX.D.1.a, 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, sampling, 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 Standards and Specifications for Erosion Prevention and Sediment Control and qualify for the presumption described in Section IX.D.1.a of the Procedure and will be presumed to comply with the Vermont Water Quality Standards, including but not limited to §1-03 (Vermont's Anti-degradation Policy).

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

A. General Inspection Requirements

1. The permittee is responsible for inspecting and maintaining erosion prevention and sediment controls that minimize or eliminate pollutants in the discharge in accordance with the requirements of this permit.
2. Inspections shall be conducted at least once every seven (7) calendar days and as required in Part III.B of this permit.
3. During the late fall/winter/spring construction season (October 15th through April 15th), daily inspections shall be conducted of areas that have been disturbed and are not yet finally stabilized.
4. Inspection frequency may be reduced to not less than one (1) per month if the entire site is temporarily stabilized.
5. Inspections may be postponed indefinitely if the entire site is permanently stabilized.
6. Inspections shall be conducted by, or under the direction of, the OSPC.
7. Inspections shall include all areas of the site disturbed by construction activity and all discharge locations, including areas with temporary stabilization.
8. An inspection report shall be completed for each inspection and signed by the OSPC or the person acting under the direction of the OSPC. At a minimum, each inspection report shall include:
 - a. The inspection date;
 - b. Names, titles, and qualifications of personnel making the inspection;
 - c. A general description of weather information for the period since the last inspection (or since commencement of construction activity if the first inspection) including a description of any precipitation, any runoff of visibly discolored stormwater from the construction site and any discharges of visibly discolored stormwater from the construction site to waters of the state;
 - d. A description of current weather information and a description of any runoff or discharges of visibly discolored stormwater to waters of the state occurring at the time of the inspection;
 - e. Location(s) of runoff or discharges of visibly discolored stormwater to waters of the state from the construction site;
 - f. Location(s) of BMPs that need to be maintained;
 - g. Location(s) of BMPs that failed to operate as designed or proved inadequate for a particular location;
 - h. Location(s) where additional BMPs are needed that did not exist at the time of inspection;
 - i. Any corrective action required including any necessary changes to the EPSC Plan and implementation dates;
 - j. Description of areas that are currently disturbed and areas that have been temporarily or finally stabilized since last inspection;
 - k. A description of the soil conditions (e.g. dry, wet, saturated); and

1. A certification that the construction activities are now in compliance with the EPSC Plan and this permit.
9. A record of each inspection report and of any actions taken in accordance with this Subpart shall be maintained on-site with the EPSC Plan and shall be made available upon request by DEC representatives.
10. When site conditions between April 15th – May 15th are similar to winter conditions (e.g. snow cover, frozen ground and/or saturated soils) within the areas of planned earth disturbance, the appropriate winter restrictions on page 3.19 of the 2006 Vermont Standards and Specifications for Erosion Prevention and Sediment Control selected by the OSPC shall be applied to the portions of the site that are experiencing those conditions.

B. Inspection, Sampling and Corrective Action Requirements

1. As soon as reasonably possible, during, or after, every rainfall event or snowmelt event which produces runoff from the construction site, the OSPC shall inspect for the runoff of visibly discolored stormwater from the construction site. If there is runoff of visibly discolored water from the construction site, the OSPC shall as soon as practicable inspect and maintain BMPs for compliance with the approved EPSC plan. For purposes of this permit, “construction site” shall mean the land or water area where any facility or activity is physically located or conducted, including adjacent land used in connection with the facility or activity or the area of earth disturbance directly associated with the permitted construction activity.
2. If after inspecting and maintaining existing BMPs in accordance with Part III.B.1, the runoff of visibly discolored stormwater continues, the OSPC shall sample the runoff as follows:
 - a. A turbidity sample shall be taken at each point where visibly discolored stormwater runs off the construction site. Samples shall be representative of the flow and characteristics of the runoff.
 - b. If due to unexpected circumstances an OSPC is unable to sample during periods of runoff, the monitoring report shall include a brief explanation of such circumstances.
 - c. Sampling is required at all points where visibly discolored stormwater runoff from disturbed areas that have not been finally stabilized leaves the construction site.
 - d. All sampling points shall be identified on the EPSC Plan site map and be clearly marked in the field with a flag, tape, stake or other visible marker.
 - e. After approval by DEC, sampling may be discontinued at those points of stormwater runoff that are deemed to pose no risk of discharge to waters of the state.
3. If the turbidity sample taken is 25 NTU or lower, no further sampling or action is required during this particular event.
4. If the turbidity sample taken is greater than 25 NTU:
 - a. The OSPC shall as soon as practicable evaluate the need for supplemental BMPs and install such BMPs as necessary to correct the runoff.
 - b. The OSPC shall, within 72 hours of first discovering the runoff, submit a written report about the runoff and resulting corrective action to the Secretary. The report shall:
 - i. Be on a form provided by the Secretary
 - ii. Describe the cause, time and date, and location of the runoff;
 - iii. Describe the status of construction and conformance with the EPSC Plan at the time of the runoff;

- iv. Detail the corrective action taken to stop the runoff, including a description of the actions taken, their location, and the time and date of the corrective action; and
- v. Be copied and a copy retained on-site with the EPSC Plan.

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

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

C. Recordkeeping

1. The following records shall be maintained on-site with the EPSC Plan:
 - a. Inspection reports prepared pursuant to Part III.A of this permit;
 - b. Discharge Reports, Corrective Action reports and Summaries of Releases prepared pursuant to Parts III.B and VIII.C of this permit;
 - c. Notices of Addition or Termination of Co-Permittees submitted to the Secretary in accordance with Part V of this permit;
 - d. Any Notices of Termination for Portions of the On-going Construction Site in accordance with Part V of this permit; and
 - e. Any amendments to the EPSC Plan required by this permit.
2. A copy of the authorized EPSC Plan shall be on-site during normal working hours from the date of commencement of construction activities to the date of final stabilization. EPSC Plans shall be made available upon request by DEC representatives.
3. The OSPC shall have a copy of the EPSC Plan and all amendments available at a central location on-site for the use of all those identified as having responsibilities under the EPSC Plan whenever they are on the construction site.
4. The permittee shall post a Notice of Authorization, provided by the Secretary, demonstrating authorization under this permit. The notice shall be placed near the construction entrance at a location visible to the public.

Part IV. EPSC Specialist Oversight

EPSC Specialist

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

2. The EPSC Specialist shall determine, confirm, and report whether the EPSC Plan is being followed and that appropriate revisions are being made to the EPSC Plan when the EPSC Plan proves inadequate. In addition, the EPSC Specialist shall, in conjunction with the OSPC bear the responsibility of reviewing the site to ensure compliance with the approved EPSC Plan and to direct corrective action in accordance with Part III.B of this permit.
3. The EPSC Specialist shall notify the contractor when changes in practice are necessary to comply with the EPSC Plan and the terms and conditions of this permit. The EPSC Specialist shall be responsible for inspections, photo documentation, and record keeping and shall, biweekly during earth disturbance activities, file with DEC a report outlining:
 - a. Construction status;
 - b. EPSC practices installed and removed since last report;
 - c. New measures undertaken subsequent to the prior report;
 - d. Erosion problems encountered and how and when resolved;
 - e. Status of the project in terms of consistency with the planned construction sequence;
 - f. Description, including location and total area (acres), of disturbed land at the time of the inspection;
 - g. Description of areas temporarily or permanently stabilized since the last inspection record;
 - h. Changes in the EPSC Plan that are required (including submission for authorization from DEC, when necessary);
 - i. When dewatering is underway, discussion and photographs of measures being utilized for treatment, and turbidity monitoring results in conformance with Part III.H of this permit;
 - j. Photographs of areas stabilized since the prior report;
 - k. Photographs of all disturbed areas;
 - l. Photographs of receiving water(s) at turbidity monitoring location(s); and
 - m. All turbidity monitoring results collected since prior report in accordance with Subpart III.B of this permit.
4. In advance of the start of construction, the EPSC Specialist shall present to DEC for approval the proposed reporting format. Construction may not commence prior to DEC's written approval of the reporting format and schedule. Bi-weekly reports shall be submitted by the Wednesday, or as soon as responsibly possible, following the end of the bi-weekly period. EPSC Specialist reports shall be filed via mail with:

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

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

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

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

A. Transfer of Permit Coverage

1. A transfer of this permit may occur only in connection with the transfer of the entire construction site to a new owner.
2. A Notice of Transfer must be submitted to the Secretary not later than thirty (30) days prior to the transfer and shall include the following:
 - a. The name and address of the present permittee;
 - b. The name and address of the prospective permittee;
 - c. The proposed date of transfer; and
 - d. A statement signed by the prospective permittee, stating that:
 - i. The conditions of the facility operation that contribute to, or affect, any discharge will not be materially different under the new ownership;
 - ii. The prospective permittee has read and is familiar with the terms of the permit and agrees to comply with all the terms and conditions of the permit; and
 - iii. The prospective permittee has adequate funding or other means to effect compliance with all the terms of the permit.

B. Adding or Terminating Co-Permittees

1. An owner or principal operator may be added as a co-permittee by filing a Notice of Addition of Co-Permittee form with the Secretary. The Co-Permittee shall be subject to all the terms and conditions of this permit and the EPSC Plan.
2. If the owner of the construction site obtains coverage under this permit and the owner is not the principal operator or the sole principal operator, then all principal operators shall obtain coverage as co-permittees in accordance with this Subpart prior to the commencement of construction activities.
3. A co-permittee may be terminated as a Co-Permittee by filing a Notice of Termination of Co-Permittee form on a form provided by the Secretary. The Co-Permittee shall only be terminated from the permit upon approval by the Secretary.

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

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

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

D. Notice of Termination for the Entire Construction Site

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

E. Submitting a Notice of Termination

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

Part VI. Violation of Permit Requirements; Enforcement

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

Part VII. Appeals

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

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

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

Pursuant to 10 V.S.A. Chapter 220, if this decision relates to all other projects, any appeal of this decision must be filed with the clerk of the Environmental Court within 30 days of the date of the decision. The appellant must attach to the Notice of Appeal the entry fee of \$250.00 payable to the State of Vermont. The Notice of Appeal must specify the parties taking the appeal and the statutory provision under which each party claims party status; must designate the act or decision appealed from; must name the Environmental Court; and must be signed by the appellant or their attorney. In addition, the appeal must give the address or location and description of the property, project or facility with which the appeal is concerned and the name of the applicant or any permit involved in the appeal. The appellant must also serve a copy of the Notice of Appeal in accordance with Rule 5(b)(4)(B) of the Vermont Rules for Environmental Court Proceedings. For additional information, see the Vermont Rules for Environmental Court Proceedings, available online at www.vermontjudiciary.org or call (802) 951-1740. The address for the Environmental Court is 32 Cherry Street, 2nd Floor Suite 303, Burlington, Vermont 05401.

Part VIII. Standard Permit Conditions

A. Permit Actions

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

B. Limitations

1. This permit conveys no vested rights or exclusive privileges. The permit conveys no title to land nor authorizes any injury to public or private property. The permit does not authorize infringement of any applicable federal, state or local laws or regulations nor obviate the necessity of obtaining such additional permits as may be required.
2. Nothing in this permit shall be construed as having relieved, modified, or in any manner affected the permittee's ongoing obligation to comply with all other federal, state or local statutes, regulations or directives applicable to the permittee in the operation of its business, nor does it relieve the permittee of the obligation to obtain all necessary federal, state and local permits.

C. Prohibitions

1. This permit does not relieve any person of the federal reporting requirements of 40 CFR Part 110, 40 CFR Part 117 and 40 CFR Part 302 relating to spills or other releases of oils or hazardous substances. This permit does not authorize the discharge of hazardous substances or oil resulting from an on-site spill.
2. If a release in excess of reportable quantities occurs, the permittee must modify the EPSC Plan required under Part III within 7 calendar days of knowledge of the release to: provide a description of the release, the circumstances leading to the release, and the date of the release. The EPSC Plan must identify measures to prevent the reoccurrence of such releases and to respond to such releases.
3. Discharges of any material other than stormwater, such as vehicle and equipment maintenance spills, fuels, wash water, construction debris, oil, wet concrete (including washout water from concrete batch trucks or equipment used to mix concrete), and other substances are prohibited.

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

D. Right of Entry

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

E. Historic Properties

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

F. Retention of Records

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

G. Need to Halt or Reduce Activity Not a Defense

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

H. Duty to Mitigate

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

I. Signatory Requirements

1. All applications must be signed as follows:

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

Agency includes: the chief executive officer of the agency or a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

2. All reports required by this permit, including but not limited to EPSC Plans, must be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if the authorization is made in writing by a person described above. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. A duly authorized representative may thus be either a named individual or any individual occupying a named position. The signed and dated written authorization must be included in the EPSC Plan. A copy must be submitted to DEC, if requested.
3. Any person signing documents required under the terms of this permit must include the following certification:

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

J. Duty to Reapply

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

K. Proper Operation and Maintenance

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

L. Notice of Planned Changes

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

M. Notice of Anticipated Noncompliance

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

N. Duty to Provide Information

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

O. Penalty for Permit Violation

10 V.S.A. Section 1275(a) provides that:

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

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

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

P. Penalty for False Statement

10 V.S.A. Section 1275(b) provides that:

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

Q. Severability

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

R. Monitoring

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

S. Twenty-four hour reporting


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

Part X. Effective Date of Permit and Permit Term

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

Signed this 14th day of November, 2016

Alyssa Schuren, Commissioner
Department of Environmental Conservation

By: 
Kevin Burke, Environmental Analyst
Stormwater Program

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

DISCHARGE PERMIT
NPDES Number: VTS0000211
Permit Number: 3028-INDC.6

For Stormwater Runoff from the Construction of the **Taxiway 'G' project** located at the **Burlington International Airport**.

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

Permittee: City of Burlington, Burlington International Airport

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

are hereby authorized by the Secretary of the Agency of Natural Resources (ANR), to discharge stormwater runoff from the construction site of the **Taxiway 'G' Project** located off at the **Burlington International Airport** discharging to **unnamed tributary to the Winooski River and groundwater contiguous to Muddy Brook**.

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

Sheet 1, "EPSC General Narrative", dated 12/05/2016
Sheets 2-4, "EPSC Pre-Construction Plan", dated 12/05/2016
Sheets 5-7, "EPSC Construction Plan", dated 12/05/2016
Sheets 8-10, "EPSC Stabilization Plan", dated 12/05/2016
Sheets 11, "EPSC Details", dated 12/05/2016
Sheets 12, "EPSC General Notes", dated 12/05/2016

Prepared by **Stantec**
Received **February 17, 2017**

Part I. Coverage Under this Permit

A. Discharges Covered by this Permit

Subject to compliance with the terms and conditions of this permit, this permit authorizes the discharge of pollutants in stormwater associated with the construction of the **Taxiway 'G' project** located at the **Burlington International Airport** discharging to an **unnamed tributary of the Winooski River and groundwater contiguous to Muddy Brook**. This permit only applies to construction activities performed in accordance with the approved EPSC Plan. This permit also authorizes discharges from excavation dewatering activities in accordance with Part II.H of this permit.

B. Limitations on Coverage

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

C. Off-Site Support Activities

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

D. Co-Permittees

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

Part II. Erosion Prevention and Sediment Control Requirements

A. Implementation of EPSC Plan

1. Each permittee is responsible for implementing the approved EPSC Plan and shall at all times comply with the approved EPSC Plan or amended versions of the EPSC Plan updated in accordance with this permit.
2. The EPSC Plan is incorporated by reference and included in the terms of this permit, and each permittee shall implement the provisions of the EPSC Plan, and all amendments thereto, as a condition of this permit. Failure to comply with the EPSC Plan, and all amendments thereto, shall be deemed a violation of this permit and subject to potential enforcement.
3. Each permittee is responsible for ensuring that each co-permittee involved in construction activities is familiar with the terms and conditions of the EPSC Plan and that each co-permittee's activities are carried out in accordance with the EPSC Plan.
4. The permittee shall assure that construction of all small and large sediment control practices, where proposed on the site, are completed in accordance with the 2006 Vermont Standards and Specifications for Erosion Prevention and Sediment Control prior to upslope earth disturbance of areas for which these features are designed to provide sediment control.
5. The permittee shall assure that, prior to earth disturbance within any area of the site located within 100 feet upslope of a stream or wetland, silt fence or approved perimeter control shall be installed in accordance with the 2006 Vermont Standards and Specifications for Erosion Prevention and Sediment Control and the EPSC Plan at an appropriate distance down slope from disturbed areas and upslope from such waters.
6. The permittee shall install all required elements with the EPSC Plan within a given work area prior to earth disturbance within that work area. Earth disturbance includes, but is not limited to, stumping and grubbing of cleared areas.

B. On-Site Plan Coordinator (OSPC)

1. The permittee shall designate a person as the OSPC who shall be directly responsible for on-site implementation of the EPSC Plan. Such person shall be knowledgeable in the principles and practice of erosion prevention and sediment controls and possess the skills to assess conditions at the construction site that could impact stormwater quality and to assess the effectiveness of all sediment and erosion control measures selected to control the quality of stormwater discharges from the construction activity.
2. The OSPC shall have the authority to stop and/or modify construction activities as necessary to comply with the EPSC Plan and the terms and conditions of this permit and shall be responsible for inspections and record keeping. The OSPC or his/her designee shall be on site on a daily basis during construction activity. The OSPC does not have to be the permit applicant.
3. The name and daytime telephone number of the OSPC shall be filed in writing with DEC's Stormwater Management Program before the start of construction.

C. Maintenance of Erosion Prevention and Sediment Control Measures

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

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

1. If, based upon inspections or investigations by DEC representatives, it is determined that the EPSC Plan will not be sufficient to prevent runoff of visibly discolored stormwater from the construction site, the permittee shall modify the EPSC Plan as necessary to include additional or modified BMPs designed to correct problems identified. Revisions to the EPSC Plan shall be completed within seven (7) calendar days following the inspection or investigation.
2. At any time after issuing this permit, the Secretary may, in his or her sole discretion, determine that a stormwater discharge may cause, has reasonable potential to cause, or contribute to a violation of Vermont's Water Quality Standards. If such a determination is made, the Secretary will require the permittee to:
 - a. Amend the EPSC Plan to address adequately the identified water quality concerns;
 - b. Submit valid and verifiable data and information that are representative of ambient conditions and indicate that the receiving water is attaining water quality standards; or
 - c. Cease discharges of pollutants to surface waters from the construction activity.
3. The Secretary has the sole discretion to order a permittee to immediately stop all ongoing construction and construction-related activities upon a finding that a discharge or potential discharge from such activities presents a current or potential threat of harm to the environment. The Secretary's stop work order may also require the permittee to take all actions to prevent or correct the discharge or potential discharge. Any action taken by the Secretary pursuant to this subpart shall not limit the Secretary's authority to pursue other enforcement actions pursuant to 10 V.S.A Chapters 47 and 201.
4. Each revised EPSC Plan prepared pursuant to this Part shall be maintained on-site.

E. EPSC Plan Availability

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

F. Amending the EPSC Plan

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

2. An amendment to the EPSC Plan is required, if after taking corrective action, as required in Part III.B, it is determined that the EPSC Plan requires an amendment to be effective in future efforts in preventing erosion and controlling the discharge of sediment.
3. An amendment to the EPSC Plan is required if the Secretary makes this determination pursuant to Part II.D.2 of this permit.
4. The OSPC is authorized to implement minor changes that involve substituting accepted interchangeable erosion prevention and sediment control practices, as detailed in the Vermont Erosion Prevention and Sediment Control Field Guide. The substitution of interchangeable practices shall be noted on the on-site EPSC Plan, on a form provided by the Secretary.
5. For changes to the EPSC Plan other than substitution of interchangeable practices from the Vermont Erosion Prevention and Sediment Control Field Guide, the permittee shall have the EPSC Plan modified to reflect the change by either the original designer, a professional engineer licensed in the State of Vermont or a Certified Professional in EPSC. Such modification shall include a certification that the modified EPSC Plan meets the requirements of this permit and The Vermont Standards and Specifications for Erosion Prevention and Sediment Control on a form provided by the Secretary.
6. All proposed changes to the EPSC Plan that do not conform to The Vermont Standards and Specifications for Erosion Prevention and Sediment Control must be submitted to DEC for formal approval prior to implementation of the changes in the field. The submission shall include:
 - a. Narrative description of the plan changes;
 - b. Justification for the alternative EPSC practice(s);
 - c. Updated EPSC Plan sheets showing the proposed changes;
 - d. Any additional information required by the Secretary.
7. Any change that involves earth disturbance substantially outside of the originally authorized limits of disturbance requires coverage under a separate authorization or amendment to this permit. Any such change shall require permittee to submit to DEC for formal approval prior to implementation of the change. In consideration for approval, DEC may consider several factors in determining whether the change is substantial and requires an amendment to the permit, including but not limited to size of additional area(s) to be disturbed, existing condition of area(s) to be disturbed, proximity to water resources and their buffers, and may consider whether the change will negatively impact water resources. The submission shall include:
 - a. Narrative description of the change(s);
 - b. Justification for the change;
 - c. Updated EPSC Plan sheets showing the proposed change(s);
 - d. Any additional information requested by the Secretary deemed necessary for consideration.

G. Late Fall/Winter/Early Spring Construction Activities

1. If construction activities involving earth disturbance continue past October 15 or begin before April 15 (Winter Construction), the permittee shall implement Winter Construction EPSC practices as outlined in the EPSC Plan.
2. If a permittee plans to undertake construction activities during Winter Construction and the EPSC Plan does not identify EPSC measures during this time period, the permittee shall submit a stand-alone EPSC Plan for this late fall/winter/early spring work to DEC for formal approval prior to undertaking such

activities. The submission shall include a narrative description of the proposed work and the stand-alone EPSC Plan shall include only this work. The stand-alone EPSC Plan shall be designed according to The Vermont Standards and Specifications for Erosion Prevention and Sediment Control.

3. All possible measures will be taken to limit the exposure of soils during all late fall/winter/early spring construction activities. The Secretary reserves the right to require suspension of construction activities until after April 15 if late fall/winter/early spring construction is determined to present a significant risk to water quality. Also, the Secretary reserves the right to prohibit construction activities between October 15 and April 15 if late fall/winter/early spring construction is determined to present a significant risk to water quality.

H. Dewatering Activities

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

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

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

I. Disturbance Limitations/Stabilization

1. The total earth disturbance associated with construction of this project is approximately **62.5** acres. The maximum area of concurrent earth disturbance at any one time allowed under this permit is **5** acres.
2. All areas of earth disturbance must be stabilized within **7** days of initial disturbance. After this initial **7**-day period, all disturbances in these areas must be stabilized on a daily basis, with the following exceptions:
 - a. Stabilization is not required if work is to continue in the disturbed area within the next 24 hours and there is no precipitation forecast for the next 24 hours.
 - b. Stabilization is not required if the work is occurring in a self-contained excavation (i.e. no outlet for stormwater) with a depth of 2 feet or greater (e.g. underground utility installation).
 - c. During Winter Construction, to ensure cover of disturbed soil in advance of a melt event, areas of disturbed soil must be stabilized at the end of each work day, in accordance with the previous exceptions.

J. Pre-construction Conferences

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

- K. **Presumption of Compliance with Vermont's Anti-Degradation Policy and Water Quality Standards**
The Secretary has determined that the permitted discharges satisfy Vermont's Anti-Degradation Policy described in the DEC's Interim Anti-Degradation Implementation Procedure (Procedure), because the procedure allows a presumption of compliance for discharges that meet the requirements of a BMP or treatment and control manual as described in Section IX.D.1.a of the Procedure. The Secretary has also determined that for such discharges that qualify for the presumption under IX.D.1.a, 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, sampling, 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 Standards and Specifications for Erosion Prevention and Sediment Control and qualify for the presumption described in Section IX.D.1.a of the Procedure and will be presumed to comply with the Vermont Water Quality Standards, including but not limited to §1-03 (Vermont's Anti-degradation Policy).

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

A. General Inspection Requirements

1. The permittee is responsible for inspecting and maintaining erosion prevention and sediment controls that minimize or eliminate pollutants in the discharge in accordance with the requirements of this permit.
2. Inspections shall be conducted at least once every seven (7) calendar days and as required in Part III.B of this permit.
3. During the late fall/winter/spring construction season (October 15th through April 15th), daily inspections shall be conducted of areas that have been disturbed and are not yet finally stabilized.
4. Inspection frequency may be reduced to not less than one (1) per month if the entire site is temporarily stabilized.
5. Inspections may be postponed indefinitely if the entire site is permanently stabilized.
6. Inspections shall be conducted by, or under the direction of, the OSPC.
7. Inspections shall include all areas of the site disturbed by construction activity and all discharge locations, including areas with temporary stabilization.
8. An inspection report shall be completed for each inspection and signed by the OSPC or the person acting under the direction of the OSPC. At a minimum, each inspection report shall include:
 - a. The inspection date;
 - b. Names, titles, and qualifications of personnel making the inspection;
 - c. A general description of weather information for the period since the last inspection (or since commencement of construction activity if the first inspection) including a description of any precipitation, any runoff of visibly discolored stormwater from the construction site and any discharges of visibly discolored stormwater from the construction site to waters of the state;

- d. A description of current weather information and a description of any runoff or discharges of visibly discolored stormwater to waters of the state occurring at the time of the inspection;
 - e. Location(s) of runoff or discharges of visibly discolored stormwater to waters of the state from the construction site;
 - f. Location(s) of BMPs that need to be maintained;
 - g. Location(s) of BMPs that failed to operate as designed or proved inadequate for a particular location;
 - h. Location(s) where additional BMPs are needed that did not exist at the time of inspection;
 - i. Any corrective action required including any necessary changes to the EPSC Plan and implementation dates;
 - j. Description of areas that are currently disturbed and areas that have been temporarily or finally stabilized since last inspection;
 - k. A description of the soil conditions (e.g. dry, wet, saturated); and
 - l. A certification that the construction activities are now in compliance with the EPSC Plan and this permit.
9. A record of each inspection report and of any actions taken in accordance with this Subpart shall be maintained on-site with the EPSC Plan and shall be made available upon request by DEC representatives.
10. When site conditions between April 15th – May 15th are similar to winter conditions (e.g. snow cover, frozen ground and/or saturated soils) within the areas of planned earth disturbance, the appropriate winter restrictions on page 3.19 of the 2006 Vermont Standards and Specifications for Erosion Prevention and Sediment Control selected by the OSPC shall be applied to the portions of the site that are experiencing those conditions.

B. Inspection, Sampling and Corrective Action Requirements

1. As soon as reasonably possible, during, or after, every rainfall event or snowmelt event which produces runoff from the construction site, the OSPC shall inspect for the runoff of visibly discolored stormwater from the construction site. If there is runoff of visibly discolored water from the construction site, the OSPC shall as soon as practicable inspect and maintain BMPs for compliance with the approved EPSC plan. For purposes of this permit, “construction site” shall mean the land or water area where any facility or activity is physically located or conducted, including adjacent land used in connection with the facility or activity or the area of earth disturbance directly associated with the permitted construction activity.
2. If after inspecting and maintaining existing BMPs in accordance with Part III.B.1, the runoff of visibly discolored stormwater continues, the OSPC shall sample the runoff as follows:
 - a. A turbidity sample shall be taken at each point where visibly discolored stormwater runs off the construction site. Samples shall be representative of the flow and characteristics of the runoff.
 - b. If due to unexpected circumstances an OSPC is unable to sample during periods of runoff, the monitoring report shall include a brief explanation of such circumstances.
 - c. Sampling is required at all points where visibly discolored stormwater runoff from disturbed areas that have not been finally stabilized leaves the construction site.
 - d. All sampling points shall be identified on the EPSC Plan site map and be clearly marked in the field with a flag, tape, stake or other visible marker.
 - e. After approval by DEC, sampling may be discontinued at those points of stormwater runoff that are deemed to pose no risk of discharge to waters of the state.

3. If the turbidity sample taken is 25 NTU or lower, no further sampling or action is required during this particular event.
4. If the turbidity sample taken is greater than 25 NTU:
 - a. The OSPC shall as soon as practicable evaluate the need for supplemental BMPs and install such BMPs as necessary to correct the runoff.
 - b. The OSPC shall, within 72 hours of first discovering the runoff, submit a written report about the runoff and resulting corrective action to the Secretary. The report shall:
 - i. Be on a form provided by the Secretary
 - ii. Describe the cause, time and date, and location of the runoff;
 - iii. Describe the status of construction and conformance with the EPSC Plan at the time of the runoff;
 - iv. Detail the corrective action taken to stop the runoff, including a description of the actions taken, their location, and the time and date of the corrective action; and
 - v. Be copied and a copy retained on-site with the EPSC Plan.
 - c. The EPSC Plan shall be updated within 72 hours to reflect the actions taken.
5. After taking the actions required in Part III.B.4.a above, and if the runoff of visibly discolored stormwater continues, the OSPC shall again follow the inspection and sampling requirements in Part III.B.2 above. If the turbidity sample is less than 25 NTU then no further action is needed. If the turbidity sample is greater than 25 NTU, the OSPC shall immediately notify DEC's Stormwater Program. DEC may require the OSPC to reevaluate existing BMPs and install supplemental BMPs as necessary to correct the runoff. At the Secretary's discretion, DEC may also require the OSPC to continue sampling runoff daily when runoff is occurring until:
 - a. Turbidity is 25 NTU or lower; or
 - b. The runoff stops or is eliminated.

C. Recordkeeping

1. The following records shall be maintained on-site with the EPSC Plan:
 - a. Inspection reports prepared pursuant to Part III.A of this permit;
 - b. Discharge Reports, Corrective Action reports and Summaries of Releases prepared pursuant to Parts III.B and VIII.C of this permit;
 - c. Notices of Addition or Termination of Co-Permittees submitted to the Secretary in accordance with Part V of this permit;
 - d. Any Notices of Termination for Portions of the On-going Construction Site in accordance with Part V of this permit; and
 - e. Any amendments to the EPSC Plan required by this permit.
2. A copy of the authorized EPSC Plan shall be on-site during normal working hours from the date of commencement of construction activities to the date of final stabilization. EPSC Plans shall be made available upon request by DEC representatives.
3. The OSPC shall have a copy of the EPSC Plan and all amendments available at a central location on-site for the use of all those identified as having responsibilities under the EPSC Plan whenever they are on the construction site.

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

Part IV. EPSC Specialist Oversight

EPSC Specialist

1. In addition to the regular inspections required under Part III.A., the permittee shall designate an EPSC Specialist who will be responsible for performing environmental inspections during the project; confirming water resources protection throughout the project, and for related record keeping. The name, address, telephone number, and basic qualifications of the person shall be provided to DEC for approval before the commencement of construction. This person shall not be the OSPC.
2. The EPSC Specialist shall determine, confirm, and report whether the EPSC Plan is being followed and that appropriate revisions are being made to the EPSC Plan when the EPSC Plan proves inadequate. In addition, the EPSC Specialist shall, in conjunction with the OSPC bear the responsibility of reviewing the site to ensure compliance with the approved EPSC Plan and to direct corrective action in accordance with Part III.B of this permit.
3. The EPSC Specialist shall notify the contractor when changes in practice are necessary to comply with the EPSC Plan and the terms and conditions of this permit. The EPSC Specialist shall be responsible for inspections, photo documentation, and record keeping and shall, biweekly during earth disturbance activities, file with DEC a report outlining:
 - a. Construction status;
 - b. EPSC practices installed and removed since last report;
 - c. New measures undertaken subsequent to the prior report;
 - d. Erosion problems encountered and how and when resolved;
 - e. Status of the project in terms of consistency with the planned construction sequence;
 - f. Description, including location and total area (acres), of disturbed land at the time of the inspection;
 - g. Description of areas temporarily or permanently stabilized since the last inspection record;
 - h. Changes in the EPSC Plan that are required (including submission for authorization from DEC, when necessary);
 - i. When dewatering is underway, discussion and photographs of measures being utilized for treatment, and turbidity monitoring results in conformance with Part III.H of this permit;
 - j. Photographs of areas stabilized since the prior report;
 - k. Photographs of all disturbed areas;
 - l. Photographs of receiving water(s) at turbidity monitoring location(s); and
 - m. All turbidity monitoring results collected since prior report in accordance with Subpart III.B of this permit.
4. In advance of the start of construction, the EPSC Specialist shall present to DEC for approval the proposed reporting format. Construction may not commence prior to DEC's written approval of the reporting format and schedule. Bi-weekly reports shall be submitted by the Wednesday, or as soon as responsibly possible, following the end of the bi-weekly period. EPSC Specialist reports shall be filed via mail with:

Department of Environmental Conservation
Watershed Management Division
Stormwater Management Program

Main Building, Second Floor
One National Life Drive
Montpelier, VT 05620-3522

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

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

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

A. Transfer of Permit Coverage

1. A transfer of this permit may occur only in connection with the transfer of the entire construction site to a new owner.
2. A Notice of Transfer must be submitted to the Secretary not later than thirty (30) days prior to the transfer and shall include the following:
 - a. The name and address of the present permittee;
 - b. The name and address of the prospective permittee;
 - c. The proposed date of transfer; and
 - d. A statement signed by the prospective permittee, stating that:
 - i. The conditions of the facility operation that contribute to, or affect, any discharge will not be materially different under the new ownership;
 - ii. The prospective permittee has read and is familiar with the terms of the permit and agrees to comply with all the terms and conditions of the permit; and
 - iii. The prospective permittee has adequate funding or other means to effect compliance with all the terms of the permit.

B. Adding or Terminating Co-Permittees

1. An owner or principal operator may be added as a co-permittee by filing a Notice of Addition of Co-Permittee form with the Secretary. The Co-Permittee shall be subject to all the terms and conditions of this permit and the EPSC Plan.
2. If the owner of the construction site obtains coverage under this permit and the owner is not the principal operator or the sole principal operator, then all principal operators shall obtain coverage as co-permittees in accordance with this Subpart prior to the commencement of construction activities.
3. A co-permittee may be terminated as a Co-Permittee by filing a Notice of Termination of Co-Permittee form on a form provided by the Secretary. The Co-Permittee shall only be terminated from the permit upon approval by the Secretary.

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

1. A permittee may submit a Notice of Termination (NOT) for a portion of the on-going construction project in the following instances:
 - a. When final stabilization has been achieved on the portion of the site for which termination is sought;

- b. When title to a portion of the construction site has been transferred to a new owner and the new owner has obtained separate coverage under an individual construction permit or DEC's General Permit 3-9020 for Stormwater Runoff from Construction Sites (Amended 2008) or its replacement;
 - c. When another operator has assumed control over the portion of the site for which termination is sought and the new operator has obtained coverage under an individual construction permit or DEC's General Permit 3-9020 for Stormwater Runoff from Construction Sites (Amended 2008) or its replacement;
 - d. For residential construction only, temporary stabilization has been completed and the residence has been transferred to the homeowner.
2. To obtain a notice of termination for a portion of an on-going construction site, the permittee shall follow the requirements of Part V.E of this permit.

D. Notice of Termination for the Entire Construction Site

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

E. Submitting a Notice of Termination

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

Part VI. Violation of Permit Requirements; Enforcement

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

Part VII. Appeals

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

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

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

Pursuant to 10 V.S.A. Chapter 220, if this decision relates to all other projects, any appeal of this decision must be filed with the clerk of the Environmental Court within 30 days of the date of the decision. The appellant must attach to the Notice of Appeal the entry fee of \$250.00 payable to the State of Vermont. The Notice of Appeal must specify the parties taking the appeal and the statutory provision under which each party claims party status; must designate the act or decision appealed from; must name the Environmental Court; and must be signed by the appellant or their attorney. In addition, the appeal must give the address or location and description of the property, project or facility with which the appeal is concerned and the name of the applicant or any permit involved in the appeal. The appellant must also serve a copy of the Notice of Appeal in accordance with Rule 5(b)(4)(B) of the Vermont Rules for Environmental Court Proceedings. For additional information, see the Vermont Rules for Environmental Court Proceedings, available online at www.vermontjudiciary.org or call (802) 951-1740. The address for the Environmental Court is 32 Cherry Street, 2nd Floor Suite 303, Burlington, Vermont 05401.

Part VIII. Standard Permit Conditions

A. Permit Actions

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

B. Limitations

1. This permit conveys no vested rights or exclusive privileges. The permit conveys no title to land nor authorizes any injury to public or private property. The permit does not authorize infringement of any applicable federal, state or local laws or regulations nor obviate the necessity of obtaining such additional permits as may be required.
2. Nothing in this permit shall be construed as having relieved, modified, or in any manner affected the permittee's ongoing obligation to comply with all other federal, state or local statutes, regulations or directives applicable to the permittee in the operation of its business, nor does it relieve the permittee of the obligation to obtain all necessary federal, state and local permits.

C. Prohibitions

1. This permit does not relieve any person of the federal reporting requirements of 40 CFR Part 110, 40 CFR Part 117 and 40 CFR Part 302 relating to spills or other releases of oils or hazardous substances.

This permit does not authorize the discharge of hazardous substances or oil resulting from an on-site spill.

2. If a release in excess of reportable quantities occurs, the permittee must modify the EPSC Plan required under Part III within 7 calendar days of knowledge of the release to: provide a description of the release, the circumstances leading to the release, and the date of the release. The EPSC Plan must identify measures to prevent the reoccurrence of such releases and to respond to such releases.
3. Discharges of any material other than stormwater, such as vehicle and equipment maintenance spills, fuels, wash water, construction debris, oil, wet concrete (including washout water from concrete batch trucks or equipment used to mix concrete), and other substances are prohibited.
4. Sediments and other pollutants collected and removed in the course of treatment of stormwater runoff shall be disposed in a manner that will not result in the sediments and pollutants entering waters of the State.

D. Right of Entry

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

E. Historic Properties

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

F. Retention of Records

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

G. Need to Halt or Reduce Activity Not a Defense

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

H. Duty to Mitigate

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

I. Signatory Requirements

1. All applications must be signed as follows:
 - a. For a corporation: by a responsible corporate officer. For the purposes of this section, a responsible corporate officer means:
 - i. A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation;

- ii. The manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 - b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
 - c. For a municipality, State, Federal or other public agency: by either a principal executive officer or a ranking elected official. For purposes of this section, a principal executive officer of a Federal Agency includes: the chief executive officer of the agency or a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.
2. All reports required by this permit, including but not limited to EPSC Plans, must be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if the authorization is made in writing by a person described above. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. A duly authorized representative may thus be either a named individual or any individual occupying a named position. The signed and dated written authorization must be included in the EPSC Plan. A copy must be submitted to DEC, if requested.
3. Any person signing documents required under the terms of this permit must include the following certification:

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

J. Duty to Reapply

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

K. Proper Operation and Maintenance

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

L. Notice of Planned Changes

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

M. Notice of Anticipated Noncompliance

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

N. Duty to Provide Information

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

O. Penalty for Permit Violation

10 V.S.A. Section 1275(a) provides that:

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

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

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

P. Penalty for False Statement

10 V.S.A. Section 1275(b) provides that:

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

Q. Severability

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

R. Monitoring

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

S. Twenty-four hour reporting

Unless provided otherwise by this permit, the permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within

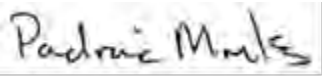
5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

Part X. Effective Date of Permit and Permit Term

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

Signed this 27th day of March, 2017

Emily Boedecker, Commissioner
Department of Environmental Conservation

By: 
Padraic Monks, Program Manager
Stormwater Management Program

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

DISCHARGE PERMIT
NPDES Number: VTS0000211
Permit Number: 3028-INDC.7

For Stormwater Runoff from the Construction of the **BTV Quarry Fill** located off **1200 Airport Drive, South Burlington**.

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

Permittee: City of Burlington, Burlington International Airport

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

are hereby authorized by the Secretary of the Agency of Natural Resources (ANR), to discharge stormwater runoff from the construction site of the **BTV Quarry Fill** located off **1200 Airport Drive, South Burlington** discharging to **Muddy Brook**.

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

Sheet 1, "Pre-Construction Plan", dated 3/6/2017
Sheet 2, "Construction Plan", dated 3/6/2017
Sheets 3, "Stabilization Plan", dated 3/6/2017
Sheet 4, "EPSC Narrative", dated 3/6/2017
Sheets 5-8, "EPSC Details", dated 3/6/2017

Prepared by **Stantec Consulting Services Inc.**
Received **3/08/2017**

Part I. Coverage Under this Permit

A. Discharges Covered by this Permit

Subject to compliance with the terms and conditions of this permit, this permit authorizes the discharge of pollutants in stormwater associated with the construction of the **BTV Quarry Fill** located off **1200 Airport Road, South Burlington** discharging to the **Muddy Brook**. This permit only applies to construction activities performed in accordance with the approved EPSC Plan. This permit also authorizes discharges from excavation dewatering activities in accordance with Part II.H of this permit.

B. Limitations on Coverage

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

C. Off-Site Support Activities

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

D. Co-Permittees

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

Part II. Erosion Prevention and Sediment Control Requirements

A. Implementation of EPSC Plan

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

2. The EPSC Plan is incorporated by reference and included in the terms of this permit, and each permittee shall implement the provisions of the EPSC Plan, and all amendments thereto, as a condition of this permit. Failure to comply with the EPSC Plan, and all amendments thereto, shall be deemed a violation of this permit and subject to potential enforcement.
3. Each permittee is responsible for ensuring that each co-permittee involved in construction activities is familiar with the terms and conditions of the EPSC Plan and that each co-permittee's activities are carried out in accordance with the EPSC Plan.
4. The permittee shall assure that construction of all small and large sediment control practices, where proposed on the site, are completed in accordance with the 2006 Vermont Standards and Specifications for Erosion Prevention and Sediment Control prior to upslope earth disturbance of areas for which these features are designed to provide sediment control.
5. The permittee shall assure that, prior to earth disturbance within any area of the site located within 100 feet upslope of a stream or wetland, silt fence or approved perimeter control shall be installed in accordance with the 2006 Vermont Standards and Specifications for Erosion Prevention and Sediment Control and the EPSC Plan at an appropriate distance down slope from disturbed areas and upslope from such waters.
6. The permittee shall install all required elements with the EPSC Plan within a given work area prior to earth disturbance within that work area. Earth disturbance includes, but is not limited to, stumping and grubbing of cleared areas.

B. On-Site Plan Coordinator (OSPC)

1. The permittee shall designate a person as the OSPC who shall be directly responsible for on-site implementation of the EPSC Plan. Such person shall be knowledgeable in the principles and practice of erosion prevention and sediment controls and possess the skills to assess conditions at the construction site that could impact stormwater quality and to assess the effectiveness of all sediment and erosion control measures selected to control the quality of stormwater discharges from the construction activity.
2. The OSPC shall have the authority to stop and/or modify construction activities as necessary to comply with the EPSC Plan and the terms and conditions of this permit and shall be responsible for inspections and record keeping. The OSPC or his/her designee shall be on site on a daily basis during construction activity. The OSPC does not have to be the permit applicant.
3. The name and daytime telephone number of the OSPC shall be filed in writing with DEC's Stormwater Management Program before the start of construction.

C. Maintenance of Erosion Prevention and Sediment Control Measures

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

2. If existing BMPs need to be modified or if additional BMPs are necessary for any reason, implementation shall be completed before the next storm event. If implementing BMPs is impracticable before the next storm event, then the affected area shall be stabilized temporarily until such time that the BMPs can be installed.

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

1. If, based upon inspections or investigations by DEC representatives, it is determined that the EPSC Plan will not be sufficient to prevent runoff of visibly discolored stormwater from the construction site, the permittee shall modify the EPSC Plan as necessary to include additional or modified BMPs designed to correct problems identified. Revisions to the EPSC Plan shall be completed within seven (7) calendar days following the inspection or investigation.
2. At any time after issuing this permit, the Secretary may, in his or her sole discretion, determine that a stormwater discharge may cause, has reasonable potential to cause, or contribute to a violation of Vermont's Water Quality Standards. If such a determination is made, the Secretary will require the permittee to:
 - a. Amend the EPSC Plan to address adequately the identified water quality concerns;
 - b. Submit valid and verifiable data and information that are representative of ambient conditions and indicate that the receiving water is attaining water quality standards; or
 - c. Cease discharges of pollutants to surface waters from the construction activity.
3. The Secretary has the sole discretion to order a permittee to immediately stop all ongoing construction and construction-related activities upon a finding that a discharge or potential discharge from such activities presents a current or potential threat of harm to the environment. The Secretary's stop work order may also require the permittee to take all actions to prevent or correct the discharge or potential discharge. Any action taken by the Secretary pursuant to this subpart shall not limit the Secretary's authority to pursue other enforcement actions pursuant to 10 V.S.A Chapters 47 and 201.
4. Each revised EPSC Plan prepared pursuant to this Part shall be maintained on-site.

E. EPSC Plan Availability

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

F. Amending the EPSC Plan

1. The permittee shall amend the EPSC Plan prior to implementing any change in the design, construction, operation or other procedure which would alter the grading plan, construction sequence, or the location or implementation of any BMPs.
2. An amendment to the EPSC Plan is required, if after taking corrective action, as required in Part III.B, it is determined that the EPSC Plan requires an amendment to be effective in future efforts in preventing erosion and controlling the discharge of sediment.
3. An amendment to the EPSC Plan is required if the Secretary makes this determination pursuant to Part II.D.2 of this permit.

4. The OSPC is authorized to implement minor changes that involve substituting accepted interchangeable erosion prevention and sediment control practices, as detailed in the Vermont Erosion Prevention and Sediment Control Field Guide. The substitution of interchangeable practices shall be noted on the on-site EPSC Plan, on a form provided by the Secretary.
5. For changes to the EPSC Plan other than substitution of interchangeable practices from the Vermont Erosion Prevention and Sediment Control Field Guide, the permittee shall have the EPSC Plan modified to reflect the change by either the original designer, a professional engineer licensed in the State of Vermont or a Certified Professional in EPSC. Such modification shall include a certification that the modified EPSC Plan meets the requirements of this permit and The Vermont Standards and Specifications for Erosion Prevention and Sediment Control on a form provided by the Secretary.
6. All proposed changes to the EPSC Plan that do not conform to The Vermont Standards and Specifications for Erosion Prevention and Sediment Control must be submitted to DEC for formal approval prior to implementation of the changes in the field. The submission shall include:
 - a. Narrative description of the plan changes;
 - b. Justification for the alternative EPSC practice(s);
 - c. Updated EPSC Plan sheets showing the proposed changes;
 - d. Any additional information required by the Secretary.
7. Any change that involves earth disturbance substantially outside of the originally authorized limits of disturbance requires coverage under a separate authorization or amendment to this permit. Any such change shall require permittee to submit to DEC for formal approval prior to implementation of the change. In consideration for approval, DEC may consider several factors in determining whether the change is substantial and requires an amendment to the permit, including but not limited to size of additional area(s) to be disturbed, existing condition of area(s) to be disturbed, proximity to water resources and their buffers, and may consider whether the change will negatively impact water resources. The submission shall include:
 - a. Narrative description of the change(s);
 - b. Justification for the change;
 - c. Updated EPSC Plan sheets showing the proposed change(s);
 - d. Any additional information requested by the Secretary deemed necessary for consideration.

G. Late Fall/Winter/Early Spring Construction Activities

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

October 15 and April 15 if late fall/winter/early spring construction is determined to present a significant risk to water quality.

H. Dewatering Activities

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

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

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

I. Disturbance Limitations/Stabilization

1. The total earth disturbance associated with construction of this project is approximately **19** acres. The maximum area of concurrent earth disturbance at any one time allowed under this permit is **5** acres.
2. All areas of earth disturbance must be stabilized within **7** days of initial disturbance. After this initial **7**-day period, all disturbances in these areas must be stabilized on a daily basis, with the following exceptions:
 - a. Stabilization is not required if work is to continue in the disturbed area within the next 24 hours and there is no precipitation forecast for the next 24 hours.
 - b. Stabilization is not required if the work is occurring in a self-contained excavation (i.e. no outlet for stormwater) with a depth of 2 feet or greater (e.g. underground utility installation).
 - c. During Winter Construction, to ensure cover of disturbed soil in advance of a melt event, areas of disturbed soil must be stabilized at the end of each work day, in accordance with the previous exceptions.

J. Pre-construction Conferences

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

K. Presumption of Compliance with Vermont's Anti-Degradation Policy and Water Quality Standards

The Secretary has determined that the permitted discharges satisfy Vermont's Anti-Degradation Policy described in the DEC's Interim Anti-Degradation Implementation Procedure (Procedure), because the procedure allows a presumption of compliance for discharges that meet the requirements of a BMP or treatment and control manual as described in Section IX.D.1.a of the Procedure. The Secretary has also determined that for such discharges that qualify for the presumption under IX.D.1.a, 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, sampling, 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 Standards and Specifications for Erosion Prevention and Sediment Control and qualify for the presumption described in Section IX.D.1.a of the Procedure and will be presumed to comply with the Vermont Water Quality Standards, including but not limited to §1-03 (Vermont's Anti-degradation Policy).

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

A. General Inspection Requirements

1. The permittee is responsible for inspecting and maintaining erosion prevention and sediment controls that minimize or eliminate pollutants in the discharge in accordance with the requirements of this permit.
2. Inspections shall be conducted at least once every seven (7) calendar days and as required in Part III.B of this permit.
3. During the late fall/winter/spring construction season (October 15th through April 15th), daily inspections shall be conducted of areas that have been disturbed and are not yet finally stabilized.
4. Inspection frequency may be reduced to not less than one (1) per month if the entire site is temporarily stabilized.
5. Inspections may be postponed indefinitely if the entire site is permanently stabilized.
6. Inspections shall be conducted by, or under the direction of, the OSPC.
7. Inspections shall include all areas of the site disturbed by construction activity and all discharge locations, including areas with temporary stabilization.
8. An inspection report shall be completed for each inspection and signed by the OSPC or the person acting under the direction of the OSPC. At a minimum, each inspection report shall include:
 - a. The inspection date;
 - b. Names, titles, and qualifications of personnel making the inspection;
 - c. A general description of weather information for the period since the last inspection (or since commencement of construction activity if the first inspection) including a description of any precipitation, any runoff of visibly discolored stormwater from the construction site and any discharges of visibly discolored stormwater from the construction site to waters of the state;
 - d. A description of current weather information and a description of any runoff or discharges of visibly discolored stormwater to waters of the state occurring at the time of the inspection;
 - e. Location(s) of runoff or discharges of visibly discolored stormwater to waters of the state from the construction site;
 - f. Location(s) of BMPs that need to be maintained;
 - g. Location(s) of BMPs that failed to operate as designed or proved inadequate for a particular location;
 - h. Location(s) where additional BMPs are needed that did not exist at the time of inspection;
 - i. Any corrective action required including any necessary changes to the EPSC Plan and implementation dates;
 - j. Description of areas that are currently disturbed and areas that have been temporarily or finally stabilized since last inspection;

- k. A description of the soil conditions (e.g. dry, wet, saturated); and
 - l. A certification that the construction activities are now in compliance with the EPSC Plan and this permit.
9. A record of each inspection report and of any actions taken in accordance with this Subpart shall be maintained on-site with the EPSC Plan and shall be made available upon request by DEC representatives.
10. When site conditions between April 15th – May 15th are similar to winter conditions (e.g. snow cover, frozen ground and/or saturated soils) within the areas of planned earth disturbance, the appropriate winter restrictions on page 3.19 of the 2006 Vermont Standards and Specifications for Erosion Prevention and Sediment Control selected by the OSPC shall be applied to the portions of the site that are experiencing those conditions.

B. Inspection, Sampling and Corrective Action Requirements

1. As soon as reasonably possible, during, or after, every rainfall event or snowmelt event which produces runoff from the construction site, the OSPC shall inspect for the runoff of visibly discolored stormwater from the construction site. If there is runoff of visibly discolored water from the construction site, the OSPC shall as soon as practicable inspect and maintain BMPs for compliance with the approved EPSC plan. For purposes of this permit, “construction site” shall mean the land or water area where any facility or activity is physically located or conducted, including adjacent land used in connection with the facility or activity or the area of earth disturbance directly associated with the permitted construction activity.
2. If after inspecting and maintaining existing BMPs in accordance with Part III.B.1, the runoff of visibly discolored stormwater continues, the OSPC shall sample the runoff as follows:
 - a. A turbidity sample shall be taken at each point where visibly discolored stormwater runs off the construction site. Samples shall be representative of the flow and characteristics of the runoff.
 - b. If due to unexpected circumstances an OSPC is unable to sample during periods of runoff, the monitoring report shall include a brief explanation of such circumstances.
 - c. Sampling is required at all points where visibly discolored stormwater runoff from disturbed areas that have not been finally stabilized leaves the construction site.
 - d. All sampling points shall be identified on the EPSC Plan site map and be clearly marked in the field with a flag, tape, stake or other visible marker.
 - e. After approval by DEC, sampling may be discontinued at those points of stormwater runoff that are deemed to pose no risk of discharge to waters of the state.
3. If the turbidity sample taken is 25 NTU or lower, no further sampling or action is required during this particular event.
4. If the turbidity sample taken is greater than 25 NTU:
 - a. The OSPC shall as soon as practicable evaluate the need for supplemental BMPs and install such BMPs as necessary to correct the runoff.
 - b. The OSPC shall, within 72 hours of first discovering the runoff, submit a written report about the runoff and resulting corrective action to the Secretary. The report shall:
 - i. Be on a form provided by the Secretary
 - ii. Describe the cause, time and date, and location of the runoff;
 - iii. Describe the status of construction and conformance with the EPSC Plan at the time of the runoff;

- iv. Detail the corrective action taken to stop the runoff, including a description of the actions taken, their location, and the time and date of the corrective action; and
- v. Be copied and a copy retained on-site with the EPSC Plan.

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

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

C. Recordkeeping

1. The following records shall be maintained on-site with the EPSC Plan:
 - a. Inspection reports prepared pursuant to Part III.A of this permit;
 - b. Discharge Reports, Corrective Action reports and Summaries of Releases prepared pursuant to Parts III.B and VIII.C of this permit;
 - c. Notices of Addition or Termination of Co-Permittees submitted to the Secretary in accordance with Part V of this permit;
 - d. Any Notices of Termination for Portions of the On-going Construction Site in accordance with Part V of this permit; and
 - e. Any amendments to the EPSC Plan required by this permit.
2. A copy of the authorized EPSC Plan shall be on-site during normal working hours from the date of commencement of construction activities to the date of final stabilization. EPSC Plans shall be made available upon request by DEC representatives.
3. The OSPC shall have a copy of the EPSC Plan and all amendments available at a central location on-site for the use of all those identified as having responsibilities under the EPSC Plan whenever they are on the construction site.
4. The permittee shall post a Notice of Authorization, provided by the Secretary, demonstrating authorization under this permit. The notice shall be placed near the construction entrance at a location visible to the public.

Part IV. EPSC Specialist Oversight

EPSC Specialist

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

2. The EPSC Specialist shall determine, confirm, and report whether the EPSC Plan is being followed and that appropriate revisions are being made to the EPSC Plan when the EPSC Plan proves inadequate. In addition, the EPSC Specialist shall, in conjunction with the OSPC bear the responsibility of reviewing the site to ensure compliance with the approved EPSC Plan and to direct corrective action in accordance with Part III.B of this permit.
3. The EPSC Specialist shall notify the contractor when changes in practice are necessary to comply with the EPSC Plan and the terms and conditions of this permit. The EPSC Specialist shall be responsible for inspections, photo documentation, and record keeping and shall, biweekly during earth disturbance activities, file with DEC a report outlining:
 - a. Construction status;
 - b. EPSC practices installed and removed since last report;
 - c. New measures undertaken subsequent to the prior report;
 - d. Erosion problems encountered and how and when resolved;
 - e. Status of the project in terms of consistency with the planned construction sequence;
 - f. Description, including location and total area (acres), of disturbed land at the time of the inspection;
 - g. Description of areas temporarily or permanently stabilized since the last inspection record;
 - h. Changes in the EPSC Plan that are required (including submission for authorization from DEC, when necessary);
 - i. When dewatering is underway, discussion and photographs of measures being utilized for treatment, and turbidity monitoring results in conformance with Part III.H of this permit;
 - j. Photographs of areas stabilized since the prior report;
 - k. Photographs of all disturbed areas;
 - l. Photographs of receiving water(s) at turbidity monitoring location(s); and
 - m. All turbidity monitoring results collected since prior report in accordance with Subpart III.B of this permit.
4. In advance of the start of construction, the EPSC Specialist shall present to DEC for approval the proposed reporting format. Construction may not commence prior to DEC's written approval of the reporting format and schedule. Bi-weekly reports shall be submitted by the Wednesday, or as soon as responsibly possible, following the end of the bi-weekly period. EPSC Specialist reports shall be filed via mail with:

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

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

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

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

A. Transfer of Permit Coverage

1. A transfer of this permit may occur only in connection with the transfer of the entire construction site to a new owner.
2. A Notice of Transfer must be submitted to the Secretary not later than thirty (30) days prior to the transfer and shall include the following:
 - a. The name and address of the present permittee;
 - b. The name and address of the prospective permittee;
 - c. The proposed date of transfer; and
 - d. A statement signed by the prospective permittee, stating that:
 - i. The conditions of the facility operation that contribute to, or affect, any discharge will not be materially different under the new ownership;
 - ii. The prospective permittee has read and is familiar with the terms of the permit and agrees to comply with all the terms and conditions of the permit; and
 - iii. The prospective permittee has adequate funding or other means to effect compliance with all the terms of the permit.

B. Adding or Terminating Co-Permittees

1. An owner or principal operator may be added as a co-permittee by filing a Notice of Addition of Co-Permittee form with the Secretary. The Co-Permittee shall be subject to all the terms and conditions of this permit and the EPSC Plan.
2. If the owner of the construction site obtains coverage under this permit and the owner is not the principal operator or the sole principal operator, then all principal operators shall obtain coverage as co-permittees in accordance with this Subpart prior to the commencement of construction activities.
3. A co-permittee may be terminated as a Co-Permittee by filing a Notice of Termination of Co-Permittee form on a form provided by the Secretary. The Co-Permittee shall only be terminated from the permit upon approval by the Secretary.

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

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

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

D. Notice of Termination for the Entire Construction Site

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

E. Submitting a Notice of Termination

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

Part VI. Violation of Permit Requirements; Enforcement

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

Part VII. Appeals

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

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

2. All Other Projects – Right to Appeal to Environmental Court
- Pursuant to 10 V.S.A. Chapter 220, if this decision relates to all other projects, any appeal of this decision must be filed with the clerk of the Environmental Court within 30 days of the date of the decision. The appellant must attach to the Notice of Appeal the entry fee of \$250.00 payable to the State of Vermont. The Notice of Appeal must specify the parties taking the appeal and the statutory provision under which each party claims party status; must designate the act or decision appealed from; must name the Environmental Court; and must be signed by the appellant or their attorney. In addition, the appeal must give the address or location and description of the property, project or facility with which the appeal is concerned and the name of the applicant or any permit involved in the appeal. The appellant must also serve a copy of the Notice of Appeal in accordance with Rule 5(b)(4)(B) of the Vermont Rules for Environmental Court Proceedings. For additional information, see the Vermont Rules for Environmental Court Proceedings, available online at www.vermontjudiciary.org or call (802) 951-1740. The address for the Environmental Court is 32 Cherry Street, 2nd Floor Suite 303, Burlington, Vermont 05401.

Part VIII. Standard Permit Conditions

A. Permit Actions

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

B. Limitations

1. This permit conveys no vested rights or exclusive privileges. The permit conveys no title to land nor authorizes any injury to public or private property. The permit does not authorize infringement of any applicable federal, state or local laws or regulations nor obviate the necessity of obtaining such additional permits as may be required.
2. Nothing in this permit shall be construed as having relieved, modified, or in any manner affected the permittee's ongoing obligation to comply with all other federal, state or local statutes, regulations or directives applicable to the permittee in the operation of its business, nor does it relieve the permittee of the obligation to obtain all necessary federal, state and local permits.

C. Prohibitions

1. This permit does not relieve any person of the federal reporting requirements of 40 CFR Part 110, 40 CFR Part 117 and 40 CFR Part 302 relating to spills or other releases of oils or hazardous substances. This permit does not authorize the discharge of hazardous substances or oil resulting from an on-site spill.
2. If a release in excess of reportable quantities occurs, the permittee must modify the EPSC Plan required under Part III within 7 calendar days of knowledge of the release to: provide a description of the release, the circumstances leading to the release, and the date of the release. The EPSC Plan must identify measures to prevent the reoccurrence of such releases and to respond to such releases.
3. Discharges of any material other than stormwater, such as vehicle and equipment maintenance spills, fuels, wash water, construction debris, oil, wet concrete (including washout water from concrete batch trucks or equipment used to mix concrete), and other substances are prohibited.

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

D. Right of Entry

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

E. Historic Properties

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

F. Retention of Records

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

G. Need to Halt or Reduce Activity Not a Defense

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

H. Duty to Mitigate

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

I. Signatory Requirements

1. All applications must be signed as follows:

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

- c. For a municipality, State, Federal or other public agency: by either a principal executive officer or a ranking elected official. For purposes of this section, a principal executive officer of a Federal Agency includes: the chief executive officer of the agency or a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.
2. All reports required by this permit, including but not limited to EPSC Plans, must be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if the authorization is made in writing by a person described above. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. A duly authorized representative may thus be either a named individual or any individual occupying a named position. The signed and dated written authorization must be included in the EPSC Plan. A copy must be submitted to DEC, if requested.
3. Any person signing documents required under the terms of this permit must include the following certification:

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

J. Duty to Reapply

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

K. Proper Operation and Maintenance

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

L. Notice of Planned Changes

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

M. Notice of Anticipated Noncompliance

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

N. Duty to Provide Information

The permittee shall furnish to the Secretary, within a reasonable time, any information which the Secretary may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine noncompliance with this permit. The permittee shall also furnish to the Secretary upon request, copies of records to be kept pursuant to this permit. Where the permittee becomes aware that

it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in a report to the Secretary, it shall promptly submit such facts or information.

O. Penalty for Permit Violation

10 V.S.A. Section 1275(a) provides that:

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

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

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

P. Penalty for False Statement

10 V.S.A. Section 1275(b) provides that:

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

Q. Severability

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

R. Monitoring

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

S. Twenty-four hour reporting

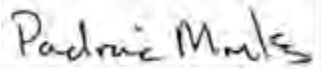
Unless provided otherwise by this permit, the permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within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

Part X. Effective Date of Permit and Permit Term

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

Signed this 12th day of May, 2017

Emily Boedecker, Commissioner
Department of Environmental Conservation

By: 

Padraic Monks
Stormwater Program Manager

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

DISCHARGE PERMIT
NPDES Number: VTS004948
Permit Number: 3028-INDC.8

For Stormwater Runoff from the Construction of the **BTV Hotel** located along the **1200 Airport Drive, South Burlington.**

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

Permittee: City of Burlington, Burlington International Airport

Co-Permittees: DEW Construction

are hereby authorized by the Secretary of the Agency of Natural Resources (ANR), to discharge stormwater runoff from the construction site of the **BTV Hotel** located at **1200 Airport Drive, South Burlington** discharging to **Potash Brook and an unnamed tributary to the Winooski River.**

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

Sheet C-05, "Existing Conditions EPSC Plan", dated 5/31/2019, last revised 7/18/2019
Sheet C-06, "Construction EPSC Plan", dated 5/31/2019
Sheet C-07, "Final Conditions EPSC Plan", dated 5/31/2019, last revised 7/18/2019
Sheet C-08, "EPSC Plan Narrative", dated 5/31/2019
Sheet C-09, "EPSC Details and Notes", dated 5/31/2019, last revised 7/18/2019
Sheet C-10, "EPSC Details", dated 5/31/2019

Prepared by **Stantec**
Received **7/1/2019**

Part I. Coverage Under this Permit

A. Discharges Covered by this Permit

Subject to compliance with the terms and conditions of this permit, this permit authorizes the discharge of pollutants in stormwater associated with the construction of **BTV Hotel** located at **1200 Airport Drive** discharging to **Potash Brook and an unnamed tributary to the Winooski River**. This permit only applies to construction activities performed in accordance with the approved EPSC Plan. This permit also authorizes discharges from excavation dewatering activities in accordance with Part II.H of this permit.

B. Limitations on Coverage

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

C. Off-Site Support Activities

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

D. Co-Permittees

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

Part II. Erosion Prevention and Sediment Control Requirements

A. Implementation of EPSC Plan

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

2. The EPSC Plan is incorporated by reference and included in the terms of this permit, and each permittee shall implement the provisions of the EPSC Plan, and all amendments thereto, as a condition of this permit. Failure to comply with the EPSC Plan, and all amendments thereto, shall be deemed a violation of this permit and subject to potential enforcement.
3. Each permittee is responsible for ensuring that each co-permittee involved in construction activities is familiar with the terms and conditions of the EPSC Plan and that each co-permittee's activities are carried out in accordance with the EPSC Plan.
4. The permittee shall assure that construction of all small and large sediment control practices, where proposed on the site, are completed in accordance with the 2006 Vermont Standards and Specifications for Erosion Prevention and Sediment Control prior to upslope earth disturbance of areas for which these features are designed to provide sediment control.
5. The permittee shall assure that, prior to earth disturbance within any area of the site located within 100 feet upslope of a stream or wetland, silt fence or approved perimeter control shall be installed in accordance with the 2006 Vermont Standards and Specifications for Erosion Prevention and Sediment Control and the EPSC Plan at an appropriate distance down slope from disturbed areas and upslope from such waters.
6. The permittee shall install all required elements with the EPSC Plan within a given work area prior to earth disturbance within that work area. Earth disturbance includes, but is not limited to, stumping and grubbing of cleared areas.

B. On-Site Plan Coordinator (OSPC)

1. The permittee shall designate a person as the OSPC who shall be directly responsible for on-site implementation of the EPSC Plan. Such person shall be knowledgeable in the principles and practice of erosion prevention and sediment controls and possess the skills to assess conditions at the construction site that could impact stormwater quality and to assess the effectiveness of all sediment and erosion control measures selected to control the quality of stormwater discharges from the construction activity.
2. The OSPC shall have the authority to stop and/or modify construction activities as necessary to comply with the EPSC Plan and the terms and conditions of this permit and shall be responsible for inspections and record keeping. The OSPC or his/her designee shall be on site on a daily basis during construction activity. The OSPC does not have to be the permit applicant.
3. The name and daytime telephone number of the OSPC shall be filed in writing with DEC's Stormwater Management Program before the start of construction.

C. Maintenance of Erosion Prevention and Sediment Control Measures

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

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

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

1. If, based upon inspections or investigations by DEC representatives, it is determined that the EPSC Plan will not be sufficient to prevent runoff of visibly discolored stormwater from the construction site, the permittee shall modify the EPSC Plan as necessary to include additional or modified BMPs designed to correct problems identified. Revisions to the EPSC Plan shall be completed within seven (7) calendar days following the inspection or investigation.
2. At any time after issuing this permit, the Secretary may, in his or her sole discretion, determine that a stormwater discharge may cause, has reasonable potential to cause, or contribute to a violation of Vermont's Water Quality Standards. If such a determination is made, the Secretary will require the permittee to:
 - a. Amend the EPSC Plan to address adequately the identified water quality concerns;
 - b. Submit valid and verifiable data and information that are representative of ambient conditions and indicate that the receiving water is attaining water quality standards; or
 - c. Cease discharges of pollutants to surface waters from the construction activity.
3. The Secretary has the sole discretion to order a permittee to immediately stop all ongoing construction and construction-related activities upon a finding that a discharge or potential discharge from such activities presents a current or potential threat of harm to the environment. The Secretary's stop work order may also require the permittee to take all actions to prevent or correct the discharge or potential discharge. Any action taken by the Secretary pursuant to this subpart shall not limit the Secretary's authority to pursue other enforcement actions pursuant to 10 V.S.A Chapters 47 and 201.
4. Each revised EPSC Plan prepared pursuant to this Part shall be maintained on-site.

E. EPSC Plan Availability

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

F. Amending the EPSC Plan

1. The permittee shall amend the EPSC Plan prior to implementing any change in the design, construction, operation or other procedure which would alter the grading plan, construction sequence, or the location or implementation of any BMPs.
2. An amendment to the EPSC Plan is required, if after taking corrective action, as required in Part III.B, it is determined that the EPSC Plan requires an amendment to be effective in future efforts in preventing erosion and controlling the discharge of sediment.
3. An amendment to the EPSC Plan is required if the Secretary makes this determination pursuant to Part II.D.2 of this permit.
4. The OSPC is authorized to implement minor changes that involve substituting accepted interchangeable erosion prevention and sediment control practices, as detailed in the Vermont Erosion Prevention and

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

5. For changes to the EPSC Plan other than substitution of interchangeable practices from the Vermont Erosion Prevention and Sediment Control Field Guide, the permittee shall have the EPSC Plan modified to reflect the change by either the original designer, a professional engineer licensed in the State of Vermont or a Certified Professional in EPSC. Such modification shall include a certification that the modified EPSC Plan meets the requirements of this permit and The Vermont Standards and Specifications for Erosion Prevention and Sediment Control on a form provided by the Secretary.
6. All proposed changes to the EPSC Plan that do not conform to The Vermont Standards and Specifications for Erosion Prevention and Sediment Control must be submitted to DEC for formal approval prior to implementation of the changes in the field. The submission shall include:
 - a. Narrative description of the plan changes;
 - b. Justification for the alternative EPSC practice(s);
 - c. Updated EPSC Plan sheets showing the proposed changes;
 - d. Any additional information required by the Secretary.
7. Any change that involves earth disturbance substantially outside of the originally authorized limits of disturbance requires coverage under a separate authorization or amendment to this permit. Any such change shall require permittee to submit to DEC for formal approval prior to implementation of the change. In consideration for approval, DEC may consider several factors in determining whether the change is substantial and requires an amendment to the permit, including but not limited to size of additional area(s) to be disturbed, existing condition of area(s) to be disturbed, proximity to water resources and their buffers, and may consider whether the change will negatively impact water resources. The submission shall include:
 - a. Narrative description of the change(s);
 - b. Justification for the change;
 - c. Updated EPSC Plan sheets showing the proposed change(s);
 - d. Any additional information requested by the Secretary deemed necessary for consideration.

G. Late Fall/Winter/Early Spring Construction Activities

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

H. Dewatering Activities

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

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

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

I. Disturbance Limitations/Stabilization

1. The total earth disturbance associated with construction of this project is approximately **0.8** acres. The maximum area of concurrent earth disturbance at any one time allowed under this permit is **0.8** acres.
2. All areas of earth disturbance must be stabilized within **7** days of initial disturbance. After this initial **7**-day period, all disturbances in these areas must be stabilized on a daily basis, with the following exceptions:
 - a. Stabilization is not required if work is to continue in the disturbed area within the next 24 hours and there is no precipitation forecast for the next 24 hours.
 - b. Stabilization is not required if the work is occurring in a self-contained excavation (i.e. no outlet for stormwater) with a depth of 2 feet or greater (e.g. underground utility installation).
 - c. During Winter Construction, to ensure cover of disturbed soil in advance of a melt event, areas of disturbed soil must be stabilized at the end of each work day, in accordance with the previous exceptions.

J. Pre-construction Conferences

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

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

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

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

A. General Inspection Requirements

1. The permittee is responsible for inspecting and maintaining erosion prevention and sediment controls that minimize or eliminate pollutants in the discharge in accordance with the requirements of this permit.
2. Inspections shall be conducted at least once every seven (7) calendar days and as required in Part III.B of this permit.
3. During the late fall/winter/spring construction season (October 15th through April 15th), daily inspections shall be conducted of areas that have been disturbed and are not yet finally stabilized.
4. Inspection frequency may be reduced to not less than one (1) per month if the entire site is temporarily stabilized.
5. Inspections may be postponed indefinitely if the entire site is permanently stabilized.
6. Inspections shall be conducted by, or under the direction of, the OSPC.
7. Inspections shall include all areas of the site disturbed by construction activity and all discharge locations, including areas with temporary stabilization.
8. An inspection report shall be completed for each inspection and signed by the OSPC or the person acting under the direction of the OSPC. At a minimum, each inspection report shall include:
 - a. The inspection date;
 - b. Names, titles, and qualifications of personnel making the inspection;
 - c. A general description of weather information for the period since the last inspection (or since commencement of construction activity if the first inspection) including a description of any precipitation, any runoff of visibly discolored stormwater from the construction site and any discharges of visibly discolored stormwater from the construction site to waters of the state;
 - d. A description of current weather information and a description of any runoff or discharges of visibly discolored stormwater to waters of the state occurring at the time of the inspection;
 - e. Location(s) of runoff or discharges of visibly discolored stormwater to waters of the state from the construction site;
 - f. Location(s) of BMPs that need to be maintained;
 - g. Location(s) of BMPs that failed to operate as designed or proved inadequate for a particular location;
 - h. Location(s) where additional BMPs are needed that did not exist at the time of inspection;
 - i. Any corrective action required including any necessary changes to the EPSC Plan and implementation dates;
 - j. Description of areas that are currently disturbed and areas that have been temporarily or finally stabilized since last inspection;
 - k. A description of the soil conditions (e.g. dry, wet, saturated); and
 - l. A certification that the construction activities are now in compliance with the EPSC Plan and this permit.
9. A record of each inspection report and of any actions taken in accordance with this Subpart shall be maintained on-site with the EPSC Plan and shall be made available upon request by DEC representatives.

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

B. Inspection, Sampling and Corrective Action Requirements

1. As soon as reasonably possible, during, or after, every rainfall event or snowmelt event which produces runoff from the construction site, the OSPC shall inspect for the runoff of visibly discolored stormwater from the construction site. If there is runoff of visibly discolored water from the construction site, the OSPC shall as soon as practicable inspect and maintain BMPs for compliance with the approved EPSC plan. For purposes of this permit, “construction site” shall mean the land or water area where any facility or activity is physically located or conducted, including adjacent land used in connection with the facility or activity or the area of earth disturbance directly associated with the permitted construction activity.
2. If after inspecting and maintaining existing BMPs in accordance with Part III.B.1, the runoff of visibly discolored stormwater continues, the OSPC shall sample the runoff as follows:
 - a. A turbidity sample shall be taken at each point where visibly discolored stormwater runs off the construction site. Samples shall be representative of the flow and characteristics of the runoff.
 - b. If due to unexpected circumstances an OSPC is unable to sample during periods of runoff, the monitoring report shall include a brief explanation of such circumstances.
 - c. Sampling is required at all points where visibly discolored stormwater runoff from disturbed areas that have not been finally stabilized leaves the construction site.
 - d. All sampling points shall be identified on the EPSC Plan site map and be clearly marked in the field with a flag, tape, stake or other visible marker.
 - e. After approval by DEC, sampling may be discontinued at those points of stormwater runoff that are deemed to pose no risk of discharge to waters of the state.
3. If the turbidity sample taken is 25 NTU or lower, no further sampling or action is required during this particular event.
4. If the turbidity sample taken is greater than 25 NTU:
 - a. The OSPC shall as soon as practicable evaluate the need for supplemental BMPs and install such BMPs as necessary to correct the runoff.
 - b. The OSPC shall, within 72 hours of first discovering the runoff, submit a written report about the runoff and resulting corrective action to the Secretary. The report shall:
 - i. Be on a form provided by the Secretary
 - ii. Describe the cause, time and date, and location of the runoff;
 - iii. Describe the status of construction and conformance with the EPSC Plan at the time of the runoff;
 - iv. Detail the corrective action taken to stop the runoff, including a description of the actions taken, their location, and the time and date of the corrective action; and
 - v. Be copied and a copy retained on-site with the EPSC Plan.
 - c. The EPSC Plan shall be updated within 72 hours to reflect the actions taken.

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

C. Recordkeeping

1. The following records shall be maintained on-site with the EPSC Plan:
 - a. Inspection reports prepared pursuant to Part III.A of this permit;
 - b. Discharge Reports, Corrective Action reports and Summaries of Releases prepared pursuant to Parts III.B and VIII.C of this permit;
 - c. Notices of Addition or Termination of Co-Permittees submitted to the Secretary in accordance with Part V of this permit;
 - d. Any Notices of Termination for Portions of the On-going Construction Site in accordance with Part V of this permit; and
 - e. Any amendments to the EPSC Plan required by this permit.
2. A copy of the authorized EPSC Plan shall be on-site during normal working hours from the date of commencement of construction activities to the date of final stabilization. EPSC Plans shall be made available upon request by DEC representatives.
3. The OSPC shall have a copy of the EPSC Plan and all amendments available at a central location on-site for the use of all those identified as having responsibilities under the EPSC Plan whenever they are on the construction site.
4. The permittee shall post a Notice of Authorization, provided by the Secretary, demonstrating authorization under this permit. The notice shall be placed near the construction entrance at a location visible to the public.

Part IV. EPSC Specialist Oversight

EPSC Specialist

1. In addition to the regular inspections required under Part III.A., the permittee shall designate an EPSC Specialist who will be responsible for performing environmental inspections during the project; confirming water resources protection throughout the project, and for related record keeping. The name, address, telephone number, and basic qualifications of the person shall be provided to DEC for approval before the commencement of construction. This person shall not be the OSPC.
2. The EPSC Specialist shall determine, confirm, and report whether the EPSC Plan is being followed and that appropriate revisions are being made to the EPSC Plan when the EPSC Plan proves inadequate. In addition, the EPSC Specialist shall, in conjunction with the OSPC bear the responsibility of reviewing the site to ensure compliance with the approved EPSC Plan and to direct corrective action in accordance with Part III.B of this permit.

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

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

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

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

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

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

A. Transfer of Permit Coverage

1. A transfer of this permit may occur only in connection with the transfer of the entire construction site to a new owner.
2. A Notice of Transfer must be submitted to the Secretary not later than thirty (30) days prior to the transfer and shall include the following:
 - a. The name and address of the present permittee;

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

B. Adding or Terminating Co-Permittees

1. An owner or principal operator may be added as a co-permittee by filing a Notice of Addition of Co-Permittee form with the Secretary. The Co-Permittee shall be subject to all the terms and conditions of this permit and the EPSC Plan.
2. If the owner of the construction site obtains coverage under this permit and the owner is not the principal operator or the sole principal operator, then all principal operators shall obtain coverage as co-permittees in accordance with this Subpart prior to the commencement of construction activities.
3. A co-permittee may be terminated as a Co-Permittee by filing a Notice of Termination of Co-Permittee form on a form provided by the Secretary. The Co-Permittee shall only be terminated from the permit upon approval by the Secretary.

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

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

D. Notice of Termination for the Entire Construction Site

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

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

E. Submitting a Notice of Termination

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

Part VI. Violation of Permit Requirements; Enforcement

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

Part VII. Appeals

1. Renewable Energy Projects – Right to Appeal to Public Utility Commission:
Any appeal of this decision must be filed with the clerk of the Vermont Public Utility Commission pursuant to 10 V.S.A. §8506 within 30 days of the date of this decision. The appellant must file with the Clerk an original and six copies of its appeal. The appellant shall provide notice of the filing of an appeal in accordance with 10 V.S.A. §8504(c)(2), and shall also serve a copy of the Notice of Appeal on the Vermont Department of Public Service. For information, see the Rules and General orders of the Public Utility Commission available on line at www.puc.vermont.gov. The address for the Public Utility Commission is 112 State Street Montpelier, Vermont 05620-2701 (Tel. #802-828-2358).
2. All Other Projects – Right to Appeal to Environmental Court
Pursuant to 10 V.S.A. Chapter 220, if this decision relates to all other projects, any appeal of this decision must be filed with the clerk of the Environmental Court within 30 days of the date of the decision. The appellant must attach to the Notice of Appeal the entry fee of \$250.00 payable to the State of Vermont. The Notice of Appeal must specify the parties taking the appeal and the statutory provision under which each party claims party status; must designate the act or decision appealed from; must name the Environmental Court; and must be signed by the appellant or their attorney. In addition, the appeal must give the address or location and description of the property, project or facility with which the appeal is concerned and the name of the applicant or any permit involved in the appeal. The appellant must also serve a copy of the Notice of Appeal in accordance with Rule 5(b)(4)(B) of the Vermont Rules for Environmental Court Proceedings. For additional information, see the Vermont Rules for Environmental Court Proceedings, available online at www.vermontjudiciary.org or call (802) 951-1740. The address for the Environmental Court is 32 Cherry Street, 2nd Floor Suite 303, Burlington, Vermont 05401.

Part VIII. Standard Permit Conditions

A. Permit Actions

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

B. Limitations

1. This permit conveys no vested rights or exclusive privileges. The permit conveys no title to land nor authorizes any injury to public or private property. The permit does not authorize infringement of any applicable federal, state or local laws or regulations nor obviate the necessity of obtaining such additional permits as may be required.
2. Nothing in this permit shall be construed as having relieved, modified, or in any manner affected the permittee's ongoing obligation to comply with all other federal, state or local statutes, regulations or directives applicable to the permittee in the operation of its business, nor does it relieve the permittee of the obligation to obtain all necessary federal, state and local permits.

C. Prohibitions

1. This permit does not relieve any person of the federal reporting requirements of 40 CFR Part 110, 40 CFR Part 117 and 40 CFR Part 302 relating to spills or other releases of oils or hazardous substances. This permit does not authorize the discharge of hazardous substances or oil resulting from an on-site spill.
2. If a release in excess of reportable quantities occurs, the permittee must modify the EPSC Plan required under Part III within 7 calendar days of knowledge of the release to: provide a description of the release, the circumstances leading to the release, and the date of the release. The EPSC Plan must identify measures to prevent the reoccurrence of such releases and to respond to such releases.
3. Discharges of any material other than stormwater, such as vehicle and equipment maintenance spills, fuels, wash water, construction debris, oil, wet concrete (including washout water from concrete batch trucks or equipment used to mix concrete), and other substances are prohibited.
4. Sediments and other pollutants collected and removed in the course of treatment of stormwater runoff shall be disposed in a manner that will not result in the sediments and pollutants entering waters of the State.

D. Right of Entry

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

E. Historic Properties

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

F. Retention of Records

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

G. Need to Halt or Reduce Activity Not a Defense

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

H. Duty to Mitigate

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

I. Signatory Requirements

1. All applications must be signed as follows:

a. For a corporation: by a responsible corporate officer. For the purposes of this section, a responsible corporate officer means:

- i. A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation;
- ii. The manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

c. For a municipality, State, Federal or other public agency: by either a principal executive officer or a ranking elected official. For purposes of this section, a principal executive officer of a Federal Agency includes: the chief executive officer of the agency or a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

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

3. Any person signing documents required under the terms of this permit must include the following certification:

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

J. Duty to Reapply

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

K. Proper Operation and Maintenance

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

L. Notice of Planned Changes

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

M. Notice of Anticipated Noncompliance

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

N. Duty to Provide Information

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

O. Penalty for Permit Violation

10 V.S.A. Section 1275(a) provides that:

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

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

A penalty of not more than \$42,500 may be assessed for each determination of a separate violation. In addition, if the secretary determines that a violation is continuing the secretary may assess a penalty of not

more than \$17,000.00 for each day the violation continues. The maximum amount of penalty assessed under this subsection shall not exceed \$170,000.00.

P. Penalty for False Statement

10 V.S.A. Section 1275(b) provides that:

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

Q. Severability

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

R. Monitoring

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

S. Twenty-four hour reporting

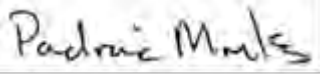
Unless provided otherwise by this permit, the permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within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

Part X. Effective Date of Permit and Permit Term

This permit shall become effective on September 4, 2019 and shall expire on September 3, 2024.

Signed this 4th day of September, 2019

Emily Boedecker, Commissioner
Department of Environmental Conservation

By: 

Padraic Monks
Stormwater Program Manager

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

DISCHARGE PERMIT
NPDES Number: VTS00002197
Permit Number: 3028-INDC.A

For Stormwater Runoff from the Housing Removal on Airport Acquired Land Project located along Airport Drive and neighborhoods surrounding the Burlington International Airport, discharging to Potash Brook, Centennial Brook, and (2) unnamed tributaries to the Winooski River.

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

Permittee: City of Burlington, Burlington International Airport
1200 Airport Drive, #1
South Burlington, VT 05403

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

are hereby authorized by the Secretary of the Agency of Natural Resources (ANR), to discharge stormwater runoff from the Housing Removal on Airport Acquired Land Project located along Airport Drive and neighborhoods surrounding the Burlington International Airport discharging to Potash Brook, Centennial Brook, and (2) unnamed tributaries to the Winooski River

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

Sheets:

“BTV House Removal Project – General Location”, dated 9/6/2017; “Proposed Land Acquisition Properties”, dated 9/6/2017; “Typical Site Plan”, dated 9/2017; “EPSC Plan Typical Location”, dated 09/2014, revised 3/19/15; “EPSC Final Stabilization Plan- Typical Location”, dated 09/2014; “EPSC Plan Centennial Brook Location”, dated 09/2014, revised 3/19/15; “EPSC Final Stabilization Plan- Centennial Brook Location”, dated 09/2014; “EPSC Details- Sheet 1 of 4”, dated 09/2014; “EPSC Details- Sheet 2 of 4”, dated 09/2014; “EPSC Details- Sheet 3 of 4”, dated 09/2014; “EPSC Details- Sheet 4 of 4”, dated 09/2014; “EPSC Plan- General Notes”, dated 09/2014.

Prepared by **Stantec**
Received **9/20/2017**

Part I. Coverage Under this Permit

A. Discharges Covered by this Permit

Subject to compliance with the terms and conditions of this permit, this permit authorizes the discharge of pollutants in stormwater associated with the Housing Removal on Airport Acquired Land located along Airport Drive and neighborhoods surrounding the Burlington International Airport discharging to Potash Brook, Centennial Brook, and (2) unnamed tributaries to the Winooski River. This permit only applies to construction activities performed in accordance with the approved EPSC Plan. This permit also authorizes discharges from excavation dewatering activities in accordance with Part II.H of this permit.

B. Limitations on Coverage

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

C. Off-Site Support Activities

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

D. Co-Permittees

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

Part II. Erosion Prevention and Sediment Control Requirements

A. Implementation of EPSC Plan

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

2. The EPSC Plan is incorporated by reference and included in the terms of this permit, and each permittee shall implement the provisions of the EPSC Plan, and all amendments thereto, as a condition of this permit. Failure to comply with the EPSC Plan, and all amendments thereto, shall be deemed a violation of this permit and subject to potential enforcement.
3. Each permittee is responsible for ensuring that each co-permittee involved in construction activities is familiar with the terms and conditions of the EPSC Plan and that each co-permittee's activities are carried out in accordance with the EPSC Plan.
4. The permittee shall assure that construction of all small and large sediment control practices, where proposed on the site, are completed in accordance with the 2006 Vermont Standards and Specifications for Erosion Prevention and Sediment Control prior to upslope earth disturbance of areas for which these features are designed to provide sediment control.
5. The permittee shall assure that, prior to earth disturbance within any area of the site located within 100 feet upslope of a stream or wetland, silt fence or approved perimeter control shall be installed in accordance with the 2006 Vermont Standards and Specifications for Erosion Prevention and Sediment Control and the EPSC Plan at an appropriate distance down slope from disturbed areas and upslope from such waters.
6. The permittee shall install all required elements with the EPSC Plan within a given work area prior to earth disturbance within that work area. Earth disturbance includes, but is not limited to, stumping and grubbing of cleared areas.

B. On-Site Plan Coordinator (OSPC)

1. The permittee shall designate a person as the OSPC who shall be directly responsible for on-site implementation of the EPSC Plan. Such person shall be knowledgeable in the principles and practice of erosion prevention and sediment controls and possess the skills to assess conditions at the construction site that could impact stormwater quality and to assess the effectiveness of all sediment and erosion control measures selected to control the quality of stormwater discharges from the construction activity.
2. The OSPC shall have the authority to stop and/or modify construction activities as necessary to comply with the EPSC Plan and the terms and conditions of this permit and shall be responsible for inspections and record keeping. The OSPC or his/her designee shall be on site on a daily basis during construction activity. The OSPC does not have to be the permit applicant.
3. The name and daytime telephone number of the OSPC shall be filed in writing with DEC's Stormwater Management Program before the start of construction.

C. Maintenance of Erosion Prevention and Sediment Control Measures

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

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

1. If, based upon inspections or investigations by DEC representatives, it is determined that the EPSC Plan will not be sufficient to prevent runoff of visibly discolored stormwater from the construction site, the permittee shall modify the EPSC Plan as necessary to include additional or modified BMPs designed to correct problems identified. Revisions to the EPSC Plan shall be completed within seven (7) calendar days following the inspection or investigation.
2. At any time after issuing this permit, the Secretary may, in his or her sole discretion, determine that a stormwater discharge may cause, has reasonable potential to cause, or contribute to a violation of Vermont's Water Quality Standards. If such a determination is made, the Secretary will require the permittee to:
 - a. Amend the EPSC Plan to address adequately the identified water quality concerns;
 - b. Submit valid and verifiable data and information that are representative of ambient conditions and indicate that the receiving water is attaining water quality standards; or
 - c. Cease discharges of pollutants to surface waters from the construction activity.
3. The Secretary has the sole discretion to order a permittee to immediately stop all ongoing construction and construction-related activities upon a finding that a discharge or potential discharge from such activities presents a current or potential threat of harm to the environment. The Secretary's stop work order may also require the permittee to take all actions to prevent or correct the discharge or potential discharge. Any action taken by the Secretary pursuant to this subpart shall not limit the Secretary's authority to pursue other enforcement actions pursuant to 10 V.S.A Chapters 47 and 201.
4. Each revised EPSC Plan prepared pursuant to this Part shall be maintained on-site.

E. EPSC Plan Availability

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

F. Amending the EPSC Plan

1. The permittee shall amend the EPSC Plan prior to implementing any change in the design, construction, operation or other procedure which would alter the grading plan, construction sequence, or the location or implementation of any BMPs.
2. An amendment to the EPSC Plan is required, if after taking corrective action, as required in Part III.B, it is determined that the EPSC Plan requires an amendment to be effective in future efforts in preventing erosion and controlling the discharge of sediment.
3. An amendment to the EPSC Plan is required if the Secretary makes this determination pursuant to Part II.D.2 of this permit.
4. The OSPC is authorized to implement minor changes that involve substituting accepted interchangeable erosion prevention and sediment control practices, as detailed in the Vermont Erosion Prevention and Sediment Control Field Guide. The substitution of interchangeable practices shall be noted on the on-site EPSC Plan, on a form provided by the Secretary.

5. For changes to the EPSC Plan other than substitution of interchangeable practices from the Vermont Erosion Prevention and Sediment Control Field Guide, the permittee shall have the EPSC Plan modified to reflect the change by either the original designer, a professional engineer licensed in the State of Vermont or a Certified Professional in EPSC. Such modification shall include a certification that the modified EPSC Plan meets the requirements of this permit and The Vermont Standards and Specifications for Erosion Prevention and Sediment Control on a form provided by the Secretary.
6. All proposed changes to the EPSC Plan that do not conform to The Vermont Standards and Specifications for Erosion Prevention and Sediment Control must be submitted to DEC for formal approval prior to implementation of the changes in the field. The submission shall include:
 - a. Narrative description of the plan changes;
 - b. Justification for the alternative EPSC practice(s);
 - c. Updated EPSC Plan sheets showing the proposed changes;
 - d. Any additional information required by the Secretary.
7. Any change that involves earth disturbance substantially outside of the originally authorized limits of disturbance requires coverage under a separate authorization or amendment to this permit. Any such change shall require permittee to submit to DEC for formal approval prior to implementation of the change. In consideration for approval, DEC may consider several factors in determining whether the change is substantial and requires an amendment to the permit, including but not limited to size of additional area(s) to be disturbed, existing condition of area(s) to be disturbed, proximity to water resources and their buffers, and may consider whether the change will negatively impact water resources. The submission shall include:
 - a. Narrative description of the change(s);
 - b. Justification for the change;
 - c. Updated EPSC Plan sheets showing the proposed change(s);
 - d. Any additional information requested by the Secretary deemed necessary for consideration.

G. Late Fall/Winter/Early Spring Construction Activities

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

H. Dewatering Activities

1. A site-specific dewatering plan shall be employed for any dewatering activities. The dewatering plan shall detail the following:

- a. Nature of activity requiring dewatering;
- b. Location of the dewatering pumpage show on plan;
- c. EPSC practice(s) to be used during dewatering activities; and
- d. Anticipated duration of dewatering activities.

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

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

I. Disturbance Limitations/Stabilization

1. The total earth disturbance associated with construction of this project is approximately **10.99** acres. The maximum area of concurrent earth disturbance at any one time allowed under this permit is **5** acres.
2. All areas of earth disturbance must be stabilized within **7** days of initial disturbance. After this initial **7**-day period, all disturbances in these areas must be stabilized on a daily basis, with the following exceptions:
 - a. Stabilization is not required if work is to continue in the disturbed area within the next 24 hours and there is no precipitation forecast for the next 24 hours.
 - b. Stabilization is not required if the work is occurring in a self-contained excavation (i.e. no outlet for stormwater) with a depth of 2 feet or greater (e.g. underground utility installation).
 - c. During Winter Construction, to ensure cover of disturbed soil in advance of a melt event, areas of disturbed soil must be stabilized at the end of each work day, in accordance with the previous exceptions.

J. Pre-construction Conferences

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

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

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

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

A. General Inspection Requirements

1. The permittee is responsible for inspecting and maintaining erosion prevention and sediment controls that minimize or eliminate pollutants in the discharge in accordance with the requirements of this permit.
2. Inspections shall be conducted at least once every seven (7) calendar days and as required in Part III.B of this permit.
3. During the late fall/winter/spring construction season (October 15th through April 15th), daily inspections shall be conducted of areas that have been disturbed and are not yet finally stabilized.
4. Inspection frequency may be reduced to not less than one (1) per month if the entire site is temporarily stabilized.
5. Inspections may be postponed indefinitely if the entire site is permanently stabilized.
6. Inspections shall be conducted by, or under the direction of, the OSPC.
7. Inspections shall include all areas of the site disturbed by construction activity and all discharge locations, including areas with temporary stabilization.
8. An inspection report shall be completed for each inspection and signed by the OSPC or the person acting under the direction of the OSPC. At a minimum, each inspection report shall include:
 - a. The inspection date;
 - b. Names, titles, and qualifications of personnel making the inspection;
 - c. A general description of weather information for the period since the last inspection (or since commencement of construction activity if the first inspection) including a description of any precipitation, any runoff of visibly discolored stormwater from the construction site and any discharges of visibly discolored stormwater from the construction site to waters of the state;
 - d. A description of current weather information and a description of any runoff or discharges of visibly discolored stormwater to waters of the state occurring at the time of the inspection;
 - e. Location(s) of runoff or discharges of visibly discolored stormwater to waters of the state from the construction site;
 - f. Location(s) of BMPs that need to be maintained;
 - g. Location(s) of BMPs that failed to operate as designed or proved inadequate for a particular location;
 - h. Location(s) where additional BMPs are needed that did not exist at the time of inspection;
 - i. Any corrective action required including any necessary changes to the EPSC Plan and implementation dates;
 - j. Description of areas that are currently disturbed and areas that have been temporarily or finally stabilized since last inspection;
 - k. A description of the soil conditions (e.g. dry, wet, saturated); and
 - l. A certification that the construction activities are now in compliance with the EPSC Plan and this permit.
9. A record of each inspection report and of any actions taken in accordance with this Subpart shall be maintained on-site with the EPSC Plan and shall be made available upon request by DEC representatives.

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

B. Inspection, Sampling and Corrective Action Requirements

1. As soon as reasonably possible, during, or after, every rainfall event or snowmelt event which produces runoff from the construction site, the OSPC shall inspect for the runoff of visibly discolored stormwater from the construction site. If there is runoff of visibly discolored water from the construction site, the OSPC shall as soon as practicable inspect and maintain BMPs for compliance with the approved EPSC plan. For purposes of this permit, “construction site” shall mean the land or water area where any facility or activity is physically located or conducted, including adjacent land used in connection with the facility or activity or the area of earth disturbance directly associated with the permitted construction activity.
2. If after inspecting and maintaining existing BMPs in accordance with Part III.B.1, the runoff of visibly discolored stormwater continues, the OSPC shall sample the runoff as follows:
 - a. A turbidity sample shall be taken at each point where visibly discolored stormwater runs off the construction site. Samples shall be representative of the flow and characteristics of the runoff.
 - b. If due to unexpected circumstances an OSPC is unable to sample during periods of runoff, the monitoring report shall include a brief explanation of such circumstances.
 - c. Sampling is required at all points where visibly discolored stormwater runoff from disturbed areas that have not been finally stabilized leaves the construction site.
 - d. All sampling points shall be identified on the EPSC Plan site map and be clearly marked in the field with a flag, tape, stake or other visible marker.
 - e. After approval by DEC, sampling may be discontinued at those points of stormwater runoff that are deemed to pose no risk of discharge to waters of the state.
3. If the turbidity sample taken is 25 NTU or lower, no further sampling or action is required during this particular event.
4. If the turbidity sample taken is greater than 25 NTU:
 - a. The OSPC shall as soon as practicable evaluate the need for supplemental BMPs and install such BMPs as necessary to correct the runoff.
 - b. The OSPC shall, within 72 hours of first discovering the runoff, submit a written report about the runoff and resulting corrective action to the Secretary. The report shall:
 - i. Be on a form provided by the Secretary
 - ii. Describe the cause, time and date, and location of the runoff;
 - iii. Describe the status of construction and conformance with the EPSC Plan at the time of the runoff;
 - iv. Detail the corrective action taken to stop the runoff, including a description of the actions taken, their location, and the time and date of the corrective action; and
 - v. Be copied and a copy retained on-site with the EPSC Plan.
 - c. The EPSC Plan shall be updated within 72 hours to reflect the actions taken.

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

C. Recordkeeping

1. The following records shall be maintained on-site with the EPSC Plan:
 - a. Inspection reports prepared pursuant to Part III.A of this permit;
 - b. Discharge Reports, Corrective Action reports and Summaries of Releases prepared pursuant to Parts III.B and VIII.C of this permit;
 - c. Notices of Addition or Termination of Co-Permittees submitted to the Secretary in accordance with Part V of this permit;
 - d. Any Notices of Termination for Portions of the On-going Construction Site in accordance with Part V of this permit; and
 - e. Any amendments to the EPSC Plan required by this permit.
2. A copy of the authorized EPSC Plan shall be on-site during normal working hours from the date of commencement of construction activities to the date of final stabilization. EPSC Plans shall be made available upon request by DEC representatives.
3. The OSPC shall have a copy of the EPSC Plan and all amendments available at a central location on-site for the use of all those identified as having responsibilities under the EPSC Plan whenever they are on the construction site.
4. The permittee shall post a Notice of Authorization, provided by the Secretary, demonstrating authorization under this permit. The notice shall be placed near the construction entrance at a location visible to the public.

Part IV. EPSC Specialist Oversight

EPSC Specialist

1. In addition to the regular inspections required under Part III.A., the permittee shall designate an EPSC Specialist who will be responsible for performing environmental inspections during the project; confirming water resources protection throughout the project, and for related record keeping. The name, address, telephone number, and basic qualifications of the person shall be provided to DEC for approval before the commencement of construction. This person shall not be the OSPC.
2. The EPSC Specialist shall determine, confirm, and report whether the EPSC Plan is being followed and that appropriate revisions are being made to the EPSC Plan when the EPSC Plan proves inadequate. In addition, the EPSC Specialist shall, in conjunction with the OSPC bear the responsibility of reviewing the site to ensure compliance with the approved EPSC Plan and to direct corrective action in accordance with Part III.B of this permit.

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

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

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

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

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

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

A. Transfer of Permit Coverage

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

2. A Notice of Transfer must be submitted to the Secretary not later than thirty (30) days prior to the transfer and shall include the following:
 - a. The name and address of the present permittee;
 - b. The name and address of the prospective permittee;

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

B. Adding or Terminating Co-Permittees

- 1. An owner or principal operator may be added as a co-permittee by filing a Notice of Addition of Co-Permittee form with the Secretary. The Co-Permittee shall be subject to all the terms and conditions of this permit and the EPSC Plan.
- 2. If the owner of the construction site obtains coverage under this permit and the owner is not the principal operator or the sole principal operator, then all principal operators shall obtain coverage as co-permittees in accordance with this Subpart prior to the commencement of construction activities.
- 3. A co-permittee may be terminated as a Co-Permittee by filing a Notice of Termination of Co-Permittee form on a form provided by the Secretary. The Co-Permittee shall only be terminated from the permit upon approval by the Secretary.

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

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

D. Notice of Termination for the Entire Construction Site

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

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

E. Submitting a Notice of Termination

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

Part VI. Violation of Permit Requirements; Enforcement

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

Part VII. Appeals

1. Renewable Energy Projects – Right to Appeal to Public Utility Commission:
Any appeal of this decision must be filed with the clerk of the Vermont Public Utility Commission pursuant to 10 V.S.A. §8506 within 30 days of the date of this decision. The appellant must file with the Clerk an original and six copies of its appeal. The appellant shall provide notice of the filing of an appeal in accordance with 10 V.S.A. §8504(c)(2), and shall also serve a copy of the Notice of Appeal on the Vermont Department of Public Service. For information, see the Rules and General orders of the Public Utility Commission available on line at www.puc.vermont.gov. The address for the Public Utility Commission is 112 State Street Montpelier, Vermont 05620-2701 (Tel. #802-828-2358).
2. All Other Projects – Right to Appeal to Environmental Court
Pursuant to 10 V.S.A. Chapter 220, if this decision relates to all other projects, any appeal of this decision must be filed with the clerk of the Environmental Court within 30 days of the date of the decision. The appellant must attach to the Notice of Appeal the entry fee of \$250.00 payable to the State of Vermont. The Notice of Appeal must specify the parties taking the appeal and the statutory provision under which each party claims party status; must designate the act or decision appealed from; must name the Environmental Court; and must be signed by the appellant or their attorney. In addition, the appeal must give the address or location and description of the property, project or facility with which the appeal is concerned and the name of the applicant or any permit involved in the appeal. The appellant must also serve a copy of the Notice of Appeal in accordance with Rule 5(b)(4)(B) of the Vermont Rules for Environmental Court Proceedings. For additional information, see the Vermont Rules for Environmental Court Proceedings, available online at www.vermontjudiciary.org or call (802) 951-1740. The address for the Environmental Court is 32 Cherry Street, 2nd Floor Suite 303, Burlington, Vermont 05401.

Part VIII. Standard Permit Conditions

A. Permit Actions

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

B. Limitations

1. This permit conveys no vested rights or exclusive privileges. The permit conveys no title to land nor authorizes any injury to public or private property. The permit does not authorize infringement of any applicable federal, state or local laws or regulations nor obviate the necessity of obtaining such additional permits as may be required.
2. Nothing in this permit shall be construed as having relieved, modified, or in any manner affected the permittee's ongoing obligation to comply with all other federal, state or local statutes, regulations or directives applicable to the permittee in the operation of its business, nor does it relieve the permittee of the obligation to obtain all necessary federal, state and local permits.

C. Prohibitions

1. This permit does not relieve any person of the federal reporting requirements of 40 CFR Part 110, 40 CFR Part 117 and 40 CFR Part 302 relating to spills or other releases of oils or hazardous substances. This permit does not authorize the discharge of hazardous substances or oil resulting from an on-site spill.
2. If a release in excess of reportable quantities occurs, the permittee must modify the EPSC Plan required under Part III within 7 calendar days of knowledge of the release to: provide a description of the release, the circumstances leading to the release, and the date of the release. The EPSC Plan must identify measures to prevent the reoccurrence of such releases and to respond to such releases.
3. Discharges of any material other than stormwater, such as vehicle and equipment maintenance spills, fuels, wash water, construction debris, oil, wet concrete (including washout water from concrete batch trucks or equipment used to mix concrete), and other substances are prohibited.
4. Sediments and other pollutants collected and removed in the course of treatment of stormwater runoff shall be disposed in a manner that will not result in the sediments and pollutants entering waters of the State.

D. Right of Entry

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

E. Historic Properties

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

F. Retention of Records

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

G. Need to Halt or Reduce Activity Not a Defense

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

H. Duty to Mitigate

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

I. Signatory Requirements

1. All applications must be signed as follows:

a. For a corporation: by a responsible corporate officer. For the purposes of this section, a responsible corporate officer means:

- i. A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation;
- ii. The manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

c. For a municipality, State, Federal or other public agency: by either a principal executive officer or a ranking elected official. For purposes of this section, a principal executive officer of a Federal Agency includes: the chief executive officer of the agency or a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

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

3. Any person signing documents required under the terms of this permit must include the following certification:

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

J. Duty to Reapply

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

K. Proper Operation and Maintenance

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

L. Notice of Planned Changes

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

M. Notice of Anticipated Noncompliance

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

N. Duty to Provide Information

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

O. Penalty for Permit Violation

10 V.S.A. Section 1275(a) provides that:

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

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

A penalty of not more than \$42,500 may be assessed for each determination of a separate violation. In addition, if the secretary determines that a violation is continuing the secretary may assess a penalty of not

more than \$17,000.00 for each day the violation continues. The maximum amount of penalty assessed under this subsection shall not exceed \$170,000.00.

P. Penalty for False Statement

10 V.S.A. Section 1275(b) provides that:

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

Q. Severability

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

R. Monitoring

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

S. Twenty-four hour reporting

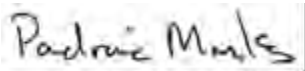
Unless provided otherwise by this permit, the permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within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

Part X. Effective Date of Permit and Permit Term

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

Signed this 6th day of November 2017

Emily Boedecker, Commissioner
Department of Environmental Conservation

By: 
Padraic Monks
Stormwater Program Manager

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STATE OF VERMONT
AGENCY OF NATURAL RESOURCES
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
WATERSHED MANAGEMENT DIVISION
1 NATIONAL LIFE DRIVE, DAVIS 3
MONTPELIER, VT 05620-3522

DISCHARGE PERMIT
NPDES Number: VTS005168
Permit Number: 3028-INDC.9

For Stormwater Runoff from the Construction of the Heritage Aviation - Hangar Addition located at 1130 Airport Drive in South Burlington.

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

Permittee: City of Burlington, Burlington International Airport
1200 Airport Drive #1
South Burlington, VT 05403

Heritage Aviation, Inc.
228 Aviation Avenue
South Burlington, VT 05403

Co-Permittees: Neagley and Chase Construction Company
66 Bowdoin Street
South Burlington, VT 05403

are hereby authorized by the Secretary of the Agency of Natural Resources (ANR), to discharge stormwater runoff from the construction site of the Heritage Aviation - Hangar Addition in South Burlington discharging to an unnamed tributary to Potash Brook.

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

Sheet C4.00, "Erosion Prevention & Sediment Control Plan, Preconstruction, Summer 2020", dated 02/11/2020;
Sheet C4.01, "Erosion Prevention & Sediment Control Plan, Summer 2020", dated 02/11/2020;
Sheet C4.02, "Erosion Prevention & Sediment Control Plan, Winter 2020-2021", dated 02/11/2020;
Sheet C4.03, "Erosion Prevention & Sediment Control Plan, Summer 2021", dated 02/11/2020; and
Sheet C5.05, "Civil Details", dated 02/11/2020.

Prepared by Krebs and Lansing Consulting Engineers, Inc.
Received 02/26/2020

Part I. Coverage Under this Permit

A. Discharges Covered by this Permit

Subject to compliance with the terms and conditions of this permit, this permit authorizes the discharge of pollutants in stormwater associated with the construction of the Heritage Aviation - Hangar Addition located in South Burlington discharging to an unnamed tributary to Potash Brook. This permit only applies to construction activities performed in accordance with the approved EPSC Plan. This permit also authorizes discharges from excavation dewatering activities in accordance with Part II.H of this permit.

B. Limitations on Coverage

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

C. Off-Site Support Activities

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

D. Co-Permittees

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

Part II. Erosion Prevention and Sediment Control Requirements

A. Implementation of EPSC Plan

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

2. The EPSC Plan is incorporated by reference and included in the terms of this permit, and each permittee shall implement the provisions of the EPSC Plan, and all amendments thereto, as a condition of this permit. Failure to comply with the EPSC Plan, and all amendments thereto, shall be deemed a violation of this permit and subject to potential enforcement.
3. Each permittee is responsible for ensuring that each co-permittee involved in construction activities is familiar with the terms and conditions of the EPSC Plan and that each co-permittee's activities are carried out in accordance with the EPSC Plan.
4. The permittee shall assure that construction of all small and large sediment control practices, where proposed on the site, are completed in accordance with the 2006 Vermont Standards and Specifications for Erosion Prevention and Sediment Control prior to upslope earth disturbance of areas for which these features are designed to provide sediment control.
5. The permittee shall assure that, prior to earth disturbance within any area of the site located within 100 feet upslope of a stream or wetland, silt fence or approved perimeter control shall be installed in accordance with the 2006 Vermont Standards and Specifications for Erosion Prevention and Sediment Control and the EPSC Plan at an appropriate distance down slope from disturbed areas and upslope from such waters.
6. The permittee shall install all required elements with the EPSC Plan within a given work area prior to earth disturbance within that work area. Earth disturbance includes, but is not limited to, stumping and grubbing of cleared areas.

B. On-Site Plan Coordinator (OSPC)

1. The permittee shall designate a person as the OSPC who shall be directly responsible for on-site implementation of the EPSC Plan. Such person shall be knowledgeable in the principles and practice of erosion prevention and sediment controls and possess the skills to assess conditions at the construction site that could impact stormwater quality and to assess the effectiveness of all sediment and erosion control measures selected to control the quality of stormwater discharges from the construction activity.
2. The OSPC shall have the authority to stop and/or modify construction activities as necessary to comply with the EPSC Plan and the terms and conditions of this permit and shall be responsible for inspections and record keeping. The OSPC or his/her designee shall be on site on a daily basis during construction activity. The OSPC does not have to be the permit applicant.
3. The name and daytime telephone number of the OSPC shall be filed in writing with DEC's Stormwater Management Program before the start of construction.

C. Maintenance of Erosion Prevention and Sediment Control Measures

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

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

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

1. If, based upon inspections or investigations by DEC representatives, it is determined that the EPSC Plan will not be sufficient to prevent runoff of visibly discolored stormwater from the construction site, the permittee shall modify the EPSC Plan as necessary to include additional or modified BMPs designed to correct problems identified. Revisions to the EPSC Plan shall be completed within seven (7) calendar days following the inspection or investigation.
2. At any time after issuing this permit, the Secretary may, in his or her sole discretion, determine that a stormwater discharge may cause, has reasonable potential to cause, or contribute to a violation of Vermont's Water Quality Standards. If such a determination is made, the Secretary will require the permittee to:
 - a. Amend the EPSC Plan to address adequately the identified water quality concerns;
 - b. Submit valid and verifiable data and information that are representative of ambient conditions and indicate that the receiving water is attaining water quality standards; or
 - c. Cease discharges of pollutants to surface waters from the construction activity.
3. The Secretary has the sole discretion to order a permittee to immediately stop all ongoing construction and construction-related activities upon a finding that a discharge or potential discharge from such activities presents a current or potential threat of harm to the environment. The Secretary's stop work order may also require the permittee to take all actions to prevent or correct the discharge or potential discharge. Any action taken by the Secretary pursuant to this subpart shall not limit the Secretary's authority to pursue other enforcement actions pursuant to 10 V.S.A Chapters 47 and 201.
4. Each revised EPSC Plan prepared pursuant to this Part shall be maintained on-site.

E. EPSC Plan Availability

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

F. Amending the EPSC Plan

1. The permittee shall amend the EPSC Plan prior to implementing any change in the design, construction, operation or other procedure which would alter the grading plan, construction sequence, or the location or implementation of any BMPs.
2. An amendment to the EPSC Plan is required, if after taking corrective action, as required in Part III.B, it is determined that the EPSC Plan requires an amendment to be effective in future efforts in preventing erosion and controlling the discharge of sediment.
3. An amendment to the EPSC Plan is required if the Secretary makes this determination pursuant to Part II.D.2 of this permit.
4. The OSPC is authorized to implement minor changes that involve substituting accepted interchangeable erosion prevention and sediment control practices, as detailed in the Vermont Erosion Prevention and

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

5. For changes to the EPSC Plan other than substitution of interchangeable practices from the Vermont Erosion Prevention and Sediment Control Field Guide, the permittee shall have the EPSC Plan modified to reflect the change by either the original designer, a professional engineer licensed in the State of Vermont or a Certified Professional in EPSC. Such modification shall include a certification that the modified EPSC Plan meets the requirements of this permit and The Vermont Standards and Specifications for Erosion Prevention and Sediment Control on a form provided by the Secretary.
6. All proposed changes to the EPSC Plan that do not conform to The Vermont Standards and Specifications for Erosion Prevention and Sediment Control must be submitted to DEC for formal approval prior to implementation of the changes in the field. The submission shall include:
 - a. Narrative description of the plan changes;
 - b. Justification for the alternative EPSC practice(s);
 - c. Updated EPSC Plan sheets showing the proposed changes; and
 - d. Any additional information required by the Secretary.
7. Any change that involves earth disturbance substantially outside of the originally authorized limits of disturbance requires coverage under a separate authorization or amendment to this permit. Any such change shall require permittee to submit to DEC for formal approval prior to implementation of the change. In consideration for approval, DEC may consider several factors in determining whether the change is substantial and requires an amendment to the permit, including but not limited to size of additional area(s) to be disturbed, existing condition of area(s) to be disturbed, proximity to water resources and their buffers, and may consider whether the change will negatively impact water resources. The submission shall include:
 - a. Narrative description of the change(s);
 - b. Justification for the change;
 - c. Updated EPSC Plan sheets showing the proposed change(s); and
 - d. Any additional information requested by the Secretary deemed necessary for consideration.

G. Late Fall/Winter/Early Spring Construction Activities

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

H. Dewatering Activities

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

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

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

I. Disturbance Limitations/Stabilization

1. The total earth disturbance associated with construction of this project is approximately 1.29 acres. The maximum area of concurrent earth disturbance at any one time allowed under this permit is 1.29 acres.
2. All areas of earth disturbance must be stabilized within 14 days of initial disturbance. After this initial 14-day period, all disturbances in these areas must be stabilized on a daily basis, with the following exceptions:
 - a. Stabilization is not required if work is to continue in the disturbed area within the next 24 hours and there is no precipitation forecast for the next 24 hours.
 - b. Stabilization is not required if the work is occurring in a self-contained excavation (i.e. no outlet for stormwater) with a depth of 2 feet or greater (e.g. underground utility installation).
 - c. During Winter Construction, to ensure cover of disturbed soil in advance of a melt event, areas of disturbed soil must be stabilized at the end of each work day, in accordance with the previous exceptions.

J. Pre-construction Conferences

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

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

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

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

A. General Inspection Requirements

1. The permittee is responsible for inspecting and maintaining erosion prevention and sediment controls that minimize or eliminate pollutants in the discharge in accordance with the requirements of this permit.
2. Inspections shall be conducted at least once every seven (7) calendar days and as required in Part III.B of this permit.
3. During the late fall/winter/spring construction season (October 15th through April 15th), daily inspections shall be conducted of areas that have been disturbed and are not yet finally stabilized.
4. Inspection frequency may be reduced to not less than one (1) per month if the entire site is temporarily stabilized.
5. Inspections may be postponed indefinitely if the entire site is permanently stabilized.
6. Inspections shall be conducted by, or under the direction of, the OSPC.
7. Inspections shall include all areas of the site disturbed by construction activity and all discharge locations, including areas with temporary stabilization.
8. An inspection report shall be completed for each inspection and signed by the OSPC or the person acting under the direction of the OSPC. At a minimum, each inspection report shall include:
 - a. The inspection date;
 - b. Names, titles, and qualifications of personnel making the inspection;
 - c. A general description of weather information for the period since the last inspection (or since commencement of construction activity if the first inspection) including a description of any precipitation, any runoff of visibly discolored stormwater from the construction site and any discharges of visibly discolored stormwater from the construction site to waters of the state;
 - d. A description of current weather information and a description of any runoff or discharges of visibly discolored stormwater to waters of the state occurring at the time of the inspection;
 - e. Location(s) of runoff or discharges of visibly discolored stormwater to waters of the state from the construction site;
 - f. Location(s) of BMPs that need to be maintained;
 - g. Location(s) of BMPs that failed to operate as designed or proved inadequate for a particular location;
 - h. Location(s) where additional BMPs are needed that did not exist at the time of inspection;
 - i. Any corrective action required including any necessary changes to the EPSC Plan and implementation dates;
 - j. Description of areas that are currently disturbed and areas that have been temporarily or finally stabilized since last inspection;
 - k. A description of the soil conditions (e.g. dry, wet, saturated); and
 - l. A certification that the construction activities are now in compliance with the EPSC Plan and this permit.
9. A record of each inspection report and of any actions taken in accordance with this Subpart shall be maintained on-site with the EPSC Plan and shall be made available upon request by DEC representatives.

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

B. Inspection, Sampling and Corrective Action Requirements

1. As soon as reasonably possible, during, or after, every rainfall event or snowmelt event which produces runoff from the construction site, the OSPC shall inspect for the runoff of visibly discolored stormwater from the construction site. If there is runoff of visibly discolored water from the construction site, the OSPC shall as soon as practicable inspect and maintain BMPs for compliance with the approved EPSC plan. For purposes of this permit, “construction site” shall mean the land or water area where any facility or activity is physically located or conducted, including adjacent land used in connection with the facility or activity or the area of earth disturbance directly associated with the permitted construction activity.
2. If after inspecting and maintaining existing BMPs in accordance with Part III.B.1, the runoff of visibly discolored stormwater continues, the OSPC shall sample the runoff as follows:
 - a. A turbidity sample shall be taken at each point where visibly discolored stormwater runs off the construction site. Samples shall be representative of the flow and characteristics of the runoff.
 - b. If due to unexpected circumstances an OSPC is unable to sample during periods of runoff, the monitoring report shall include a brief explanation of such circumstances.
 - c. Sampling is required at all points where visibly discolored stormwater runoff from disturbed areas that have not been finally stabilized leaves the construction site.
 - d. All sampling points shall be identified on the EPSC Plan site map and be clearly marked in the field with a flag, tape, stake or other visible marker.
 - e. After approval by DEC, sampling may be discontinued at those points of stormwater runoff that are deemed to pose no risk of discharge to waters of the state.
3. If the turbidity sample taken is 25 NTU or lower, no further sampling or action is required during this particular event.
4. If the turbidity sample taken is greater than 25 NTU:
 - a. The OSPC shall as soon as practicable evaluate the need for supplemental BMPs and install such BMPs as necessary to correct the runoff.
 - b. The OSPC shall, within 72 hours of first discovering the runoff, submit a written report about the runoff and resulting corrective action to the Secretary. The report shall:
 - i. Be on a form provided by the Secretary
 - ii. Describe the cause, time and date, and location of the runoff;
 - iii. Describe the status of construction and conformance with the EPSC Plan at the time of the runoff;
 - iv. Detail the corrective action taken to stop the runoff, including a description of the actions taken, their location, and the time and date of the corrective action; and
 - v. Be copied and a copy retained on-site with the EPSC Plan.
 - c. The EPSC Plan shall be updated within 72 hours to reflect the actions taken.

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

C. Recordkeeping

1. The following records shall be maintained on-site with the EPSC Plan:
 - a. Inspection reports prepared pursuant to Part III.A of this permit;
 - b. Discharge Reports, Corrective Action reports and Summaries of Releases prepared pursuant to Parts III.B and VIII.C of this permit;
 - c. Notices of Addition or Termination of Co-Permittees submitted to the Secretary in accordance with Part V of this permit;
 - d. Any Notices of Termination for Portions of the On-going Construction Site in accordance with Part V of this permit; and
 - e. Any amendments to the EPSC Plan required by this permit.
2. A copy of the authorized EPSC Plan shall be on-site during normal working hours from the date of commencement of construction activities to the date of final stabilization. EPSC Plans shall be made available upon request by DEC representatives.
3. The OSPC shall have a copy of the EPSC Plan and all amendments available at a central location on-site for the use of all those identified as having responsibilities under the EPSC Plan whenever they are on the construction site.
4. The permittee shall post a Notice of Authorization, provided by the Secretary, demonstrating authorization under this permit. The notice shall be placed near the construction entrance at a location visible to the public.

Part IV. EPSC Specialist Oversight

EPSC Specialist

1. In addition to the regular inspections required under Part III.A., the permittee shall designate an EPSC Specialist who will be responsible for performing environmental inspections during the project; confirming water resources protection throughout the project, and for related record keeping. The name, address, telephone number, and basic qualifications of the person shall be provided to DEC for approval before the commencement of construction. This person shall not be the OSPC.
2. The EPSC Specialist shall determine, confirm, and report whether the EPSC Plan is being followed and that appropriate revisions are being made to the EPSC Plan when the EPSC Plan proves inadequate. In addition, the EPSC Specialist shall, in conjunction with the OSPC bear the responsibility of reviewing the site to ensure compliance with the approved EPSC Plan and to direct corrective action in accordance with Part III.B of this permit.

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

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

Department of Environmental Conservation
Watershed Management Division
Stormwater Management Program
1 National Life Drive, Davis 3
Montpelier, VT 05620-3522

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

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

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

A. Transfer of Permit Coverage

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

2. A Notice of Transfer must be submitted to the Secretary not later than thirty (30) days prior to the transfer and shall include the following:
 - a. The name and address of the present permittee;
 - b. The name and address of the prospective permittee;

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

B. Adding or Terminating Co-Permittees

- 1. An owner or principal operator may be added as a co-permittee by filing a Notice of Addition of Co-Permittee form with the Secretary. The Co-Permittee shall be subject to all the terms and conditions of this permit and the EPSC Plan.
- 2. If the owner of the construction site obtains coverage under this permit and the owner is not the principal operator or the sole principal operator, then all principal operators shall obtain coverage as co-permittees in accordance with this Subpart prior to the commencement of construction activities.
- 3. A co-permittee may be terminated as a Co-Permittee by filing a Notice of Termination of Co-Permittee form on a form provided by the Secretary. The Co-Permittee shall only be terminated from the permit upon approval by the Secretary.

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

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

D. Notice of Termination for the Entire Construction Site

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

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

E. Submitting a Notice of Termination

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

Part VI. Violation of Permit Requirements; Enforcement

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

Part VII. Appeals

1. Renewable Energy Projects – Right to Appeal to Public Utility Commission:
Any appeal of this decision must be filed with the clerk of the Vermont Public Utility Commission pursuant to 10 V.S.A. §8506 within 30 days of the date of this decision. The appellant must file with the Clerk an original and six copies of its appeal. The appellant shall provide notice of the filing of an appeal in accordance with 10 V.S.A. §8504(c)(2), and shall also serve a copy of the Notice of Appeal on the Vermont Department of Public Service. For information, see the Rules and General orders of the Public Utility Commission available on line at www.puc.vermont.gov. The address for the Public Utility Commission is 112 State Street Montpelier, Vermont 05620-2701 (Tel. #802-828-2358).
2. All Other Projects – Right to Appeal to Environmental Court
Pursuant to 10 V.S.A. Chapter 220, if this decision relates to all other projects, any appeal of this decision must be filed with the clerk of the Environmental Court within 30 days of the date of the decision. The appellant must attach to the Notice of Appeal the entry fee of \$250.00 payable to the State of Vermont. The Notice of Appeal must specify the parties taking the appeal and the statutory provision under which each party claims party status; must designate the act or decision appealed from; must name the Environmental Court; and must be signed by the appellant or their attorney. In addition, the appeal must give the address or location and description of the property, project or facility with which the appeal is concerned and the name of the applicant or any permit involved in the appeal. The appellant must also serve a copy of the Notice of Appeal in accordance with Rule 5(b)(4)(B) of the Vermont Rules for Environmental Court Proceedings. For additional information, see the Vermont Rules for Environmental Court Proceedings, available online at www.vermontjudiciary.org or call (802) 951-1740. The address for the Environmental Court is 32 Cherry Street, 2nd Floor Suite 303, Burlington, Vermont 05401.

Part VIII. Standard Permit Conditions

A. Permit Actions

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

B. Limitations

1. This permit conveys no vested rights or exclusive privileges. The permit conveys no title to land nor authorizes any injury to public or private property. The permit does not authorize infringement of any applicable federal, state or local laws or regulations nor obviate the necessity of obtaining such additional permits as may be required.
2. Nothing in this permit shall be construed as having relieved, modified, or in any manner affected the permittee's ongoing obligation to comply with all other federal, state or local statutes, regulations or directives applicable to the permittee in the operation of its business, nor does it relieve the permittee of the obligation to obtain all necessary federal, state and local permits.

C. Prohibitions

1. This permit does not relieve any person of the federal reporting requirements of 40 CFR Part 110, 40 CFR Part 117 and 40 CFR Part 302 relating to spills or other releases of oils or hazardous substances. This permit does not authorize the discharge of hazardous substances or oil resulting from an on-site spill.
2. If a release in excess of reportable quantities occurs, the permittee must modify the EPSC Plan required under Part III within 7 calendar days of knowledge of the release to: provide a description of the release, the circumstances leading to the release, and the date of the release. The EPSC Plan must identify measures to prevent the reoccurrence of such releases and to respond to such releases.
3. Discharges of any material other than stormwater, such as vehicle and equipment maintenance spills, fuels, wash water, construction debris, oil, wet concrete (including washout water from concrete batch trucks or equipment used to mix concrete), and other substances are prohibited.
4. Sediments and other pollutants collected and removed in the course of treatment of stormwater runoff shall be disposed in a manner that will not result in the sediments and pollutants entering waters of the State.

D. Right of Entry

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

E. Historic Properties

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

F. Retention of Records

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

G. Need to Halt or Reduce Activity Not a Defense

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

H. Duty to Mitigate

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

I. Signatory Requirements

1. All applications must be signed as follows:

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

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

3. Any person signing documents required under the terms of this permit must include the following certification:

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

J. Duty to Reapply

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

K. Proper Operation and Maintenance

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

L. Notice of Planned Changes

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

M. Notice of Anticipated Noncompliance

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

N. Duty to Provide Information

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

O. Penalty for Permit Violation

10 V.S.A. Section 1275(a) provides that:

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

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

A penalty of not more than \$42,500 may be assessed for each determination of a separate violation. In addition, if the secretary determines that a violation is continuing the secretary may assess a penalty of not

more than \$17,000.00 for each day the violation continues. The maximum amount of penalty assessed under this subsection shall not exceed \$170,000.00.

P. Penalty for False Statement

10 V.S.A. Section 1275(b) provides that:

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

Q. Severability

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

R. Monitoring

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

S. Twenty-four hour reporting

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

Part X. Effective Date of Permit and Permit Term

This permit shall become effective on April 28, 2020 and shall expire on April 27, 2025.

Signed this 28th day of April, 2020.

Peter Walke, Commissioner
Department of Environmental Conservation

By: Padraic Monks
Padraic Monks
Stormwater Program Manager

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STATE OF VERMONT
AGENCY OF NATURAL RESOURCES
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
WATERSHED MANAGEMENT DIVISION
1 NATIONAL LIFE DRIVE, DAVIS 3
MONTPELIER, VT 05620-3522

DISCHARGE PERMIT
NPDES Number: VTS006209
Permit Number: 3028-INDC.10

For Stormwater Runoff from the Construction of the Remain Overnight Apron (Phase 7) located at 1130 Airport Drive South Burlington, VT.

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

Permittee: Burlington International Airport
1200 Airport Drive #1
South Burlington, VT 05403

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

are hereby authorized by the Secretary of the Agency of Natural Resources (ANR), to discharge stormwater runoff from the construction site of the Remain Overnight Apron (Phase 7) located at 1130 Airport Drive, South Burlington discharging to Potash Brook.

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

Sheet P1.1, Existing Conditions Sheet 1 of 2, dated March 2020;
Sheet P1.2, Existing Conditions Sheet 2 of 2, dated March 2020;
Sheet P1.3, Proposed Conditions Sheet 1 of 3, dated March 2020;
Sheet P1.4, Proposed Conditions Sheet 2 of 3, dated March 2020, last revised April 24, 2020;
Sheet P1.5, Proposed Conditions Sheet 3 of 3, dated March 2020;
Sheet P1.6, Maintenance Plan, dated March 2020, last revised April 24, 2020;
Sheet G1.5, Construction Safety and Phasing Plan-Overall, dated March 2020;
Sheet G1.13, Erosion Control Notes and Details, dated March 2020, last revised May 6, 2020;
Sheet GD1.1, Grading and Drainage Plan Sheet 1 of 3, dated April 2020;
Sheet GD1.2, Grading and Drainage Plan Sheet 2 of 3, dated April 2020;
Sheet GD1.3, Grading and Drainage Plan Sheet 3 of 3, dated April 2020;
Sheet GD3.1, Drainage Details, dated March 2020, last revised March 25, 2020;
Sheet GD4.1, Drainage System Details Sheet 1 of 2, dated March 2020, last revised May 4, 2020;
Sheet GD4.2, Drainage System Details Sheet 2 of 2, dated March 2020, last revised May 7, 2020;
Sheet GD5.1, Glycol System Details Sheet 1 of 2, dated March 2020, last revised March 25, 2020;
Sheet GD5.2, Glycol System Details Sheet 2 of 2, dated March 2020, last revised March 25, 2020.

Part I. Coverage Under this Permit

A. Discharges Covered by this Permit

Subject to compliance with the terms and conditions of this permit, this permit authorizes the discharge of pollutants in stormwater associated with the construction Remain Overnight Apron (Phase 7) located in South Burlington discharging to Potash Brook. This permit only applies to construction activities performed in accordance with the approved EPSC Plan. This permit also authorizes discharges from excavation dewatering activities in accordance with Part II.H of this permit.

B. Limitations on Coverage

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

C. Off-Site Support Activities

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

D. Co-Permittees

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

Part II. Erosion Prevention and Sediment Control Requirements

A. Implementation of EPSC Plan

1. Each permittee is responsible for implementing the approved EPSC Plan and shall at all times comply with the approved EPSC Plan or amended versions of the EPSC Plan updated in accordance with this permit.
2. The EPSC Plan is incorporated by reference and included in the terms of this permit, and each permittee shall implement the provisions of the EPSC Plan, and all amendments thereto, as a condition of this permit. Failure to comply with the EPSC Plan, and all amendments thereto, shall be deemed a violation of this permit and subject to potential enforcement.
3. Each permittee is responsible for ensuring that each co-permittee involved in construction activities is familiar with the terms and conditions of the EPSC Plan and that each co-permittee's activities are carried out in accordance with the EPSC Plan.
4. The permittee shall assure that construction of all small and large sediment control practices, where proposed on the site, are completed in accordance with the 2006 Vermont Standards and Specifications for Erosion Prevention and Sediment Control prior to upslope earth disturbance of areas for which these features are designed to provide sediment control.
5. The permittee shall assure that, prior to earth disturbance within any area of the site located within 100 feet upslope of a stream or wetland, silt fence or approved perimeter control shall be installed in accordance with the 2006 Vermont Standards and Specifications for Erosion Prevention and Sediment Control and the EPSC Plan at an appropriate distance down slope from disturbed areas and upslope from such waters.
6. The permittee shall install all required elements with the EPSC Plan within a given work area prior to earth disturbance within that work area. Earth disturbance includes, but is not limited to, stumping and grubbing of cleared areas.

B. On-Site Plan Coordinator (OSPC)

1. The permittee shall designate a person as the OSPC who shall be directly responsible for on-site implementation of the EPSC Plan. Such person shall be knowledgeable in the principles and practice of erosion prevention and sediment controls and possess the skills to assess conditions at the construction site that could impact stormwater quality and to assess the effectiveness of all sediment and erosion control measures selected to control the quality of stormwater discharges from the construction activity.
2. The OSPC shall have the authority to stop and/or modify construction activities as necessary to comply with the EPSC Plan and the terms and conditions of this permit and shall be responsible for inspections and record keeping. The OSPC or his/her designee shall be on site on a daily basis during construction activity. The OSPC does not have to be the permit applicant.
3. The name and daytime telephone number of the OSPC shall be filed in writing with DEC's Stormwater Management Program before the start of construction.

C. Maintenance of Erosion Prevention and Sediment Control Measures

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

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

1. If, based upon inspections or investigations by DEC representatives, it is determined that the EPSC Plan will not be sufficient to prevent runoff of visibly discolored stormwater from the construction site, the permittee shall modify the EPSC Plan as necessary to include additional or modified BMPs designed to correct problems identified. Revisions to the EPSC Plan shall be completed within seven (7) calendar days following the inspection or investigation.
2. At any time after issuing this permit, the Secretary may, in his or her sole discretion, determine that a stormwater discharge may cause, has reasonable potential to cause, or contribute to a violation of Vermont's Water Quality Standards. If such a determination is made, the Secretary will require the permittee to:
 - a. Amend the EPSC Plan to address adequately the identified water quality concerns;
 - b. Submit valid and verifiable data and information that are representative of ambient conditions and indicate that the receiving water is attaining water quality standards; or
 - c. Cease discharges of pollutants to surface waters from the construction activity.
3. The Secretary has the sole discretion to order a permittee to immediately stop all ongoing construction and construction-related activities upon a finding that a discharge or potential discharge from such activities presents a current or potential threat of harm to the environment. The Secretary's stop work order may also require the permittee to take all actions to prevent or correct the discharge or potential discharge. Any action taken by the Secretary pursuant to this subpart shall not limit the Secretary's authority to pursue other enforcement actions pursuant to 10 V.S.A Chapters 47 and 201.
4. Each revised EPSC Plan prepared pursuant to this Part shall be maintained on-site.

E. EPSC Plan Availability

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

F. Amending the EPSC Plan

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

2. An amendment to the EPSC Plan is required, if after taking corrective action, as required in Part III.B, it is determined that the EPSC Plan requires an amendment to be effective in future efforts in preventing erosion and controlling the discharge of sediment.
3. An amendment to the EPSC Plan is required if the Secretary makes this determination pursuant to Part II.D.2 of this permit.
4. The OSPC is authorized to implement minor changes that involve substituting accepted interchangeable erosion prevention and sediment control practices, as detailed in the Vermont Erosion Prevention and Sediment Control Field Guide. The substitution of interchangeable practices shall be noted on the on-site EPSC Plan, on a form provided by the Secretary.
5. For changes to the EPSC Plan other than substitution of interchangeable practices from the Vermont Erosion Prevention and Sediment Control Field Guide, the permittee shall have the EPSC Plan modified to reflect the change by either the original designer, a professional engineer licensed in the State of Vermont or a Certified Professional in EPSC. Such modification shall include a certification that the modified EPSC Plan meets the requirements of this permit and The Vermont Standards and Specifications for Erosion Prevention and Sediment Control on a form provided by the Secretary.
6. All proposed changes to the EPSC Plan that do not conform to The Vermont Standards and Specifications for Erosion Prevention and Sediment Control must be submitted to DEC for formal approval prior to implementation of the changes in the field. The submission shall include:
 - a. Narrative description of the plan changes;
 - b. Justification for the alternative EPSC practice(s);
 - c. Updated EPSC Plan sheets showing the proposed changes;
 - d. Any additional information required by the Secretary.
7. Any change that involves earth disturbance substantially outside of the originally authorized limits of disturbance requires coverage under a separate authorization or amendment to this permit. Any such change shall require permittee to submit to DEC for formal approval prior to implementation of the change. In consideration for approval, DEC may consider several factors in determining whether the change is substantial and requires an amendment to the permit, including but not limited to size of additional area(s) to be disturbed, existing condition of area(s) to be disturbed, proximity to water resources and their buffers, and may consider whether the change will negatively impact water resources. The submission shall include:
 - a. Narrative description of the change(s);
 - b. Justification for the change;
 - c. Updated EPSC Plan sheets showing the proposed change(s);
 - d. Any additional information requested by the Secretary deemed necessary for consideration.

G. Late Fall/Winter/Early Spring Construction Activities

1. If construction activities involving earth disturbance continue past October 15 or begin before April 15 (Winter Construction), the permittee shall implement Winter Construction EPSC practices as outlined in the EPSC Plan.
2. If a permittee plans to undertake construction activities during Winter Construction and the EPSC Plan does not identify EPSC measures during this time period, the permittee shall submit a stand-alone EPSC Plan for this late fall/winter/early spring work to DEC for formal approval prior to undertaking such

activities. The submission shall include a narrative description of the proposed work and the stand-alone EPSC Plan shall include only this work. The stand-alone EPSC Plan shall be designed according to The Vermont Standards and Specifications for Erosion Prevention and Sediment Control.

3. All possible measures will be taken to limit the exposure of soils during all late fall/winter/early spring construction activities. The Secretary reserves the right to require suspension of construction activities until after April 15 if late fall/winter/early spring construction is determined to present a significant risk to water quality. Also, the Secretary reserves the right to prohibit construction activities between October 15 and April 15 if late fall/winter/early spring construction is determined to present a significant risk to water quality.

H. Dewatering Activities

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

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

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

I. Disturbance Limitations/Stabilization

1. The total earth disturbance associated with construction of this project is approximately 2.3 acres. The maximum area of concurrent earth disturbance at any one time allowed under this permit is 2.3 acres.
2. All areas of earth disturbance must be stabilized within 14 days of initial disturbance. After this initial 14-day period, all disturbances in these areas must be stabilized on a daily basis, with the following exceptions:
 - a. Stabilization is not required if work is to continue in the disturbed area within the next 24 hours and there is no precipitation forecast for the next 24 hours.
 - b. Stabilization is not required if the work is occurring in a self-contained excavation (i.e. no outlet for stormwater) with a depth of 2 feet or greater (e.g. underground utility installation).
 - c. During Winter Construction, to ensure cover of disturbed soil in advance of a melt event, areas of disturbed soil must be stabilized at the end of each work day, in accordance with the previous exceptions.

J. Pre-construction Conferences

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

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

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

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

A. General Inspection Requirements

1. The permittee is responsible for inspecting and maintaining erosion prevention and sediment controls that minimize or eliminate pollutants in the discharge in accordance with the requirements of this permit.
2. Inspections shall be conducted at least once every seven (7) calendar days and as required in Part III.B of this permit.
3. During the late fall/winter/spring construction season (October 15th through April 15th), daily inspections shall be conducted of areas that have been disturbed and are not yet finally stabilized.
4. Inspection frequency may be reduced to not less than one (1) per month if the entire site is temporarily stabilized.
5. Inspections may be postponed indefinitely if the entire site is permanently stabilized.
6. Inspections shall be conducted by, or under the direction of, the OSPC.
7. Inspections shall include all areas of the site disturbed by construction activity and all discharge locations, including areas with temporary stabilization.
8. An inspection report shall be completed for each inspection and signed by the OSPC or the person acting under the direction of the OSPC. At a minimum, each inspection report shall include:
 - a. The inspection date;
 - b. Names, titles, and qualifications of personnel making the inspection;
 - c. A general description of weather information for the period since the last inspection (or since commencement of construction activity if the first inspection) including a description of any precipitation, any runoff of visibly discolored stormwater from the construction site and any discharges of visibly discolored stormwater from the construction site to waters of the state;
 - d. A description of current weather information and a description of any runoff or discharges of visibly discolored stormwater to waters of the state occurring at the time of the inspection;
 - e. Location(s) of runoff or discharges of visibly discolored stormwater to waters of the state from the construction site;
 - f. Location(s) of BMPs that need to be maintained;
 - g. Location(s) of BMPs that failed to operate as designed or proved inadequate for a particular location;

- h. Location(s) where additional BMPs are needed that did not exist at the time of inspection;
 - i. Any corrective action required including any necessary changes to the EPSC Plan and implementation dates;
 - j. Description of areas that are currently disturbed and areas that have been temporarily or finally stabilized since last inspection;
 - k. A description of the soil conditions (e.g. dry, wet, saturated); and
 - l. A certification that the construction activities are now in compliance with the EPSC Plan and this permit.
9. A record of each inspection report and of any actions taken in accordance with this Subpart shall be maintained on-site with the EPSC Plan and shall be made available upon request by DEC representatives.
10. When site conditions between April 15th – May 15th are similar to winter conditions (e.g. snow cover, frozen ground and/or saturated soils) within the areas of planned earth disturbance, the appropriate winter restrictions on page 3.19 of the 2006 Vermont Standards and Specifications for Erosion Prevention and Sediment Control selected by the OSPC shall be applied to the portions of the site that are experiencing those conditions.

B. Inspection, Sampling and Corrective Action Requirements

1. As soon as reasonably possible, during, or after, every rainfall event or snowmelt event which produces runoff from the construction site, the OSPC shall inspect for the runoff of visibly discolored stormwater from the construction site. If there is runoff of visibly discolored water from the construction site, the OSPC shall as soon as practicable inspect and maintain BMPs for compliance with the approved EPSC plan. For purposes of this permit, “construction site” shall mean the land or water area where any facility or activity is physically located or conducted, including adjacent land used in connection with the facility or activity or the area of earth disturbance directly associated with the permitted construction activity.
2. If after inspecting and maintaining existing BMPs in accordance with Part III.B.1, the runoff of visibly discolored stormwater continues, the OSPC shall sample the runoff as follows:
 - a. A turbidity sample shall be taken at each point where visibly discolored stormwater runs off the construction site. Samples shall be representative of the flow and characteristics of the runoff.
 - b. If due to unexpected circumstances an OSPC is unable to sample during periods of runoff, the monitoring report shall include a brief explanation of such circumstances.
 - c. Sampling is required at all points where visibly discolored stormwater runoff from disturbed areas that have not been finally stabilized leaves the construction site.
 - d. All sampling points shall be identified on the EPSC Plan site map and be clearly marked in the field with a flag, tape, stake or other visible marker.
 - e. After approval by DEC, sampling may be discontinued at those points of stormwater runoff that are deemed to pose no risk of discharge to waters of the state.
3. If the turbidity sample taken is 25 NTU or lower, no further sampling or action is required during this particular event.
4. If the turbidity sample taken is greater than 25 NTU:
 - a. The OSPC shall as soon as practicable evaluate the need for supplemental BMPs and install such BMPs as necessary to correct the runoff.

- b. The OSPC shall, within 72 hours of first discovering the runoff, submit a written report about the runoff and resulting corrective action to the Secretary. The report shall:
 - i. Be on a form provided by the Secretary
 - ii. Describe the cause, time and date, and location of the runoff;
 - iii. Describe the status of construction and conformance with the EPSC Plan at the time of the runoff;
 - iv. Detail the corrective action taken to stop the runoff, including a description of the actions taken, their location, and the time and date of the corrective action; and
 - v. Be copied and a copy retained on-site with the EPSC Plan.
 - c. The EPSC Plan shall be updated within 72 hours to reflect the actions taken.
5. After taking the actions required in Part III.B.4.a above, and if the runoff of visibly discolored stormwater continues, the OSPC shall again follow the inspection and sampling requirements in Part III.B.2 above. If the turbidity sample is less than 25 NTU then no further action is needed. If the turbidity sample is greater than 25 NTU, the OSPC shall immediately notify DEC's Stormwater Program. DEC may require the OSPC to reevaluate existing BMPs and install supplemental BMPs as necessary to correct the runoff. At the Secretary's discretion, DEC may also require the OSPC to continue sampling runoff daily when runoff is occurring until:
- a. Turbidity is 25 NTU or lower; or
 - b. The runoff stops or is eliminated.

C. Recordkeeping

1. The following records shall be maintained on-site with the EPSC Plan:
 - a. Inspection reports prepared pursuant to Part III.A of this permit;
 - b. Discharge Reports, Corrective Action reports and Summaries of Releases prepared pursuant to Parts III.B and VIII.C of this permit;
 - c. Notices of Addition or Termination of Co-Permittees submitted to the Secretary in accordance with Part V of this permit;
 - d. Any Notices of Termination for Portions of the On-going Construction Site in accordance with Part V of this permit; and
 - e. Any amendments to the EPSC Plan required by this permit.
2. A copy of the authorized EPSC Plan shall be on-site during normal working hours from the date of commencement of construction activities to the date of final stabilization. EPSC Plans shall be made available upon request by DEC representatives.
3. The OSPC shall have a copy of the EPSC Plan and all amendments available at a central location on-site for the use of all those identified as having responsibilities under the EPSC Plan whenever they are on the construction site.
4. The permittee shall post a Notice of Authorization, provided by the Secretary, demonstrating authorization under this permit. The notice shall be placed near the construction entrance at a location visible to the public.

Part IV. EPSC Specialist Oversight

EPSC Specialist

1. In addition to the regular inspections required under Part III.A., the permittee shall designate an EPSC Specialist who will be responsible for performing environmental inspections during the project; confirming water resources protection throughout the project, and for related record keeping. The name, address, telephone number, and basic qualifications of the person shall be provided to DEC for approval before the commencement of construction. This person shall not be the OSPC.
2. The EPSC Specialist shall determine, confirm, and report whether the EPSC Plan is being followed and that appropriate revisions are being made to the EPSC Plan when the EPSC Plan proves inadequate. In addition, the EPSC Specialist shall, in conjunction with the OSPC bear the responsibility of reviewing the site to ensure compliance with the approved EPSC Plan and to direct corrective action in accordance with Part III.B of this permit.
3. The EPSC Specialist shall notify the contractor when changes in practice are necessary to comply with the EPSC Plan and the terms and conditions of this permit. The EPSC Specialist shall be responsible for inspections, photo documentation, and record keeping and shall, biweekly during earth disturbance activities, file with DEC a report outlining:
 - a. Construction status;
 - b. EPSC practices installed and removed since last report;
 - c. New measures undertaken subsequent to the prior report;
 - d. Erosion problems encountered and how and when resolved;
 - e. Status of the project in terms of consistency with the planned construction sequence;
 - f. Description, including location and total area (acres), of disturbed land at the time of the inspection;
 - g. Description of areas temporarily or permanently stabilized since the last inspection record;
 - h. Changes in the EPSC Plan that are required (including submission for authorization from DEC, when necessary);
 - i. When dewatering is underway, discussion and photographs of measures being utilized for treatment, and turbidity monitoring results in conformance with Part III.H of this permit;
 - j. Photographs of areas stabilized since the prior report;
 - k. Photographs of all disturbed areas;
 - l. Photographs of receiving water(s) at turbidity monitoring location(s); and
 - m. All turbidity monitoring results collected since prior report in accordance with Subpart III.B of this permit.
4. In advance of the start of construction, the EPSC Specialist shall present to DEC for approval the proposed reporting format. Construction may not commence prior to DEC's written approval of the reporting format and schedule. Bi-weekly reports shall be submitted by the Wednesday, or as soon as responsibly possible, following the end of the bi-weekly period. EPSC Specialist reports shall be filed via mail with:

Department of Environmental Conservation
Watershed Management Division
Stormwater Management Program
1 National Life Drive, Davis 3
Montpelier, VT 05620-3522

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

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

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

A. Transfer of Permit Coverage

1. A transfer of this permit may occur only in connection with the transfer of the entire construction site to a new owner.
2. A Notice of Transfer must be submitted to the Secretary not later than thirty (30) days prior to the transfer and shall include the following:
 - a. The name and address of the present permittee;
 - b. The name and address of the prospective permittee;
 - c. The proposed date of transfer; and
 - d. A statement signed by the prospective permittee, stating that:
 - i. The conditions of the facility operation that contribute to, or affect, any discharge will not be materially different under the new ownership;
 - ii. The prospective permittee has read and is familiar with the terms of the permit and agrees to comply with all the terms and conditions of the permit; and
 - iii. The prospective permittee has adequate funding or other means to effect compliance with all the terms of the permit.

B. Adding or Terminating Co-Permittees

1. An owner or principal operator may be added as a co-permittee by filing a Notice of Addition of Co-Permittee form with the Secretary. The Co-Permittee shall be subject to all the terms and conditions of this permit and the EPSC Plan.
2. If the owner of the construction site obtains coverage under this permit and the owner is not the principal operator or the sole principal operator, then all principal operators shall obtain coverage as co-permittees in accordance with this Subpart prior to the commencement of construction activities.
3. A co-permittee may be terminated as a Co-Permittee by filing a Notice of Termination of Co-Permittee form on a form provided by the Secretary. The Co-Permittee shall only be terminated from the permit upon approval by the Secretary.

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

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

- d. For residential construction only, temporary stabilization has been completed and the residence has been transferred to the homeowner.
 2. To obtain a notice of termination for a portion of an on-going construction site, the permittee shall follow the requirements of Part V.E of this permit.
- D. Notice of Termination for the Entire Construction Site
1. The permittee may submit a NOT for the entire construction site in the following instances:
 - a. Final stabilization has been achieved on the entire construction site for which the permittee is responsible;
 - b. Another operator has assumed control over all areas of the site that have not been finally stabilized and has obtained permit coverage; or
 - c. Coverage under an individual or DEC's General Permit 3-9020 for Stormwater Runoff from Construction Sites (Amended 2008) or its replacement has been obtained.
 2. To obtain a notice of termination for the entire construction site, the permittee shall follow the requirements of Part V.E of this permit.
- E. Submitting a Notice of Termination
1. A permittee shall submit a complete and accurate NOT, on a form provided by the Secretary.
 2. A NOT shall include, at a minimum, the following information:
 - a. The permit number for which termination is sought;
 - b. The basis for submission of the NOT;
 - c. The owner's and operator's name, address and telephone number;
 - d. The name of the project and address (or a description of location if no street address is available) of the construction site for which the notification is submitted;
 - e. A certification statement, signed and dated by the OSPC and by an authorized representative as defined in the signature requirements in Part VIII.I, and the name and title of that authorized representative; and
 - f. If the NOT is for only a portion of an ongoing construction project, a description of the portion of the site to which the NOT will apply and a plan showing the boundaries of this portion.

Part VI. Violation of Permit Requirements; Enforcement

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

Part VII. Appeals

1. Renewable Energy Projects – Right to Appeal to Public Utility Commission:

Any appeal of this decision must be filed with the clerk of the Vermont Public Utility Commission pursuant to 10 V.S.A. §8506 within 30 days of the date of this decision. The appellant must file with the Clerk an original and six copies of its appeal. The appellant shall provide notice of the filing of an appeal in accordance with 10 V.S.A. §8504(c)(2) and shall also serve a copy of the Notice of Appeal on the Vermont

Department of Public Service. For information, see the Rules and General orders of the Public Utility Commission available online at www.puc.vermont.gov. The address for the Public Utility Commission is 112 State Street Montpelier, Vermont 05620-2701 (Tel. #802-828-2358).

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

Pursuant to 10 V.S.A. Chapter 220, if this decision relates to all other projects, any appeal of this decision must be filed with the clerk of the Environmental Court within 30 days of the date of the decision. The appellant must attach to the Notice of Appeal the entry fee of \$250.00 payable to the State of Vermont. The Notice of Appeal must specify the parties taking the appeal and the statutory provision under which each party claims party status; must designate the act or decision appealed from; must name the Environmental Court; and must be signed by the appellant or their attorney. In addition, the appeal must give the address or location and description of the property, project or facility with which the appeal is concerned and the name of the applicant or any permit involved in the appeal. The appellant must also serve a copy of the Notice of Appeal in accordance with Rule 5(b)(4)(B) of the Vermont Rules for Environmental Court Proceedings. For additional information, see the Vermont Rules for Environmental Court Proceedings, available online at www.vermontjudiciary.org or call (802) 951-1740. The address for the Environmental Court is 32 Cherry Street, 2nd Floor Suite 303, Burlington, Vermont 05401.

Part VIII. Standard Permit Conditions

A. Permit Actions

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

B. Limitations

1. This permit conveys no vested rights or exclusive privileges. The permit conveys no title to land nor authorizes any injury to public or private property. The permit does not authorize infringement of any applicable federal, state, or local laws or regulations nor obviate the necessity of obtaining such additional permits as may be required.
2. Nothing in this permit shall be construed as having relieved, modified, or in any manner affected the permittee's ongoing obligation to comply with all other federal, state or local statutes, regulations or directives applicable to the permittee in the operation of its business, nor does it relieve the permittee of the obligation to obtain all necessary federal, state and local permits.

C. Prohibitions

1. This permit does not relieve any person of the federal reporting requirements of 40 CFR Part 110, 40 CFR Part 117 and 40 CFR Part 302 relating to spills or other releases of oils or hazardous substances. This permit does not authorize the discharge of hazardous substances or oil resulting from an on-site spill.
2. If a release in excess of reportable quantities occurs, the permittee must modify the EPSC Plan required under Part III within 7 calendar days of knowledge of the release to: provide a description of the release, the circumstances leading to the release, and the date of the release. The EPSC Plan must identify measures to prevent the reoccurrence of such releases and to respond to such releases.

3. Discharges of any material other than stormwater, such as vehicle and equipment maintenance spills, fuels, wash water, construction debris, oil, wet concrete (including washout water from concrete batch trucks or equipment used to mix concrete), and other substances are prohibited.
4. Sediments and other pollutants collected and removed in the course of treatment of stormwater runoff shall be disposed in a manner that will not result in the sediments and pollutants entering waters of the State.

D. Right of Entry

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

E. Historic Properties

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

F. Retention of Records

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

G. Need to Halt or Reduce Activity Not a Defense

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

H. Duty to Mitigate

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

I. Signatory Requirements

1. All applications must be signed as follows:
 - a. For a corporation: by a responsible corporate officer. For the purposes of this section, a responsible corporate officer means:
 - i. A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation;
 - ii. The manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to

sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

- b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
- c. For a municipality, State, Federal or other public agency: by either a principal executive officer or a ranking elected official. For purposes of this section, a principal executive officer of a Federal Agency includes: the chief executive officer of the agency or a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

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

3. Any person signing documents required under the terms of this permit must include the following certification:

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

J. Duty to Reapply

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

K. Proper Operation and Maintenance

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

L. Notice of Planned Changes

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

M. Notice of Anticipated Noncompliance

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

N. Duty to Provide Information

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

O. Penalty for Permit Violation

10 V.S.A. Section 1275(a) provides that:

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

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

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

P. Penalty for False Statement

10 V.S.A. Section 1275(b) provides that:

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

Q. Severability

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

R. Monitoring

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

S. Twenty-four-hour reporting

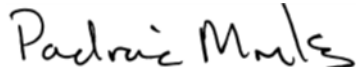
Unless provided otherwise by this permit, the permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within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

Part X. Effective Date of Permit and Permit Term

This permit shall become effective on June 9, 2020 and shall expire on June 8, 2025. The permittee shall reapply for coverage at least ninety (90) days prior to expiration if the project has not achieved final stabilization or if construction activities are expected after the date of expiration.

Signed this 9th day of June, 2020

Peter Walke, Commissioner
Department of Environmental Conservation



By: _____
Padraic Monks
Stormwater Program Manager

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STATE OF VERMONT
AGENCY OF NATURAL RESOURCES
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
WATERSHED MANAGEMENT DIVISION
1 NATIONAL LIFE DRIVE, DAVIS 3
MONTPELIER, VT 05620-3522

DISCHARGE PERMIT
NPDES Number: VTS006300
Permit Number: 3028-INDC.11

For Stormwater Runoff from the Construction of the **BETA Hangar Addition** located at **1150 Airport Drive** in **South Burlington**.

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

Permittee: **City of Burlington - Burlington International Airport**
 1200 Airport Drive #1
 South Burlington, VT 05403

BETA AIR, LLC
 1150 Airport Drive
 South Burlington, VT 05403

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

are hereby authorized by the Secretary of the Agency of Natural Resources (ANR), to discharge stormwater runoff from the construction site of the **BETA Hangar Addition** located at **1150 Airport Drive** in **South Burlington** discharging to **Potash Brook**

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

- Sheet C-109, "EPSC Narrative", dated 06/12/2020, last revised 08/20/2020;**
- Sheet C-110, "EPSC Plan", dated 06/12/2020, last revised 08/20/2020;**
- Sheet C-111, "EPSC Details", dated 06/12/2020, last revised 08/20/2020**
- Sheet C-112, "EPSC Details", dated 08/20/2020;**
- Sheet C-113, "EPSC Notes", dated 06/12/2020, last revised 08/20/2020.**

Prepared by: **Stantec**
Received: **07/01/2020**

Part I. Coverage Under this Permit

A. Discharges Covered by this Permit

Subject to compliance with the terms and conditions of this permit, this permit authorizes the discharge of pollutants in stormwater associated with the construction **BETA Hangar Addition** located in **South Burlington** discharging to **Potash Brook**. This permit only applies to construction activities performed in accordance with the approved EPSC Plan. This permit also authorizes discharges from excavation dewatering activities in accordance with Part II.H of this permit.

B. Limitations on Coverage

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

C. Off-Site Support Activities

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

D. Co-Permittees

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

Part II. Erosion Prevention and Sediment Control Requirements

A. Implementation of EPSC Plan

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

2. The EPSC Plan is incorporated by reference and included in the terms of this permit, and each permittee shall implement the provisions of the EPSC Plan, and all amendments thereto, as a condition of this permit. Failure to comply with the EPSC Plan, and all amendments thereto, shall be deemed a violation of this permit and subject to potential enforcement.
3. Each permittee is responsible for ensuring that each co-permittee involved in construction activities is familiar with the terms and conditions of the EPSC Plan and that each co-permittee's activities are carried out in accordance with the EPSC Plan.
4. The permittee shall assure that construction of all small and large sediment control practices, where proposed on the site, are completed in accordance with the 2020 Vermont Standards and Specifications for Erosion Prevention and Sediment Control prior to upslope earth disturbance of areas for which these features are designed to provide sediment control.
5. The permittee shall assure that, prior to earth disturbance within any area of the site located within 100 feet upslope of a stream or wetland, silt fence or approved perimeter control shall be installed in accordance with the 2020 Vermont Standards and Specifications for Erosion Prevention and Sediment Control and the EPSC Plan at an appropriate distance down slope from disturbed areas and upslope from such waters.
6. The permittee shall install all required elements with the EPSC Plan within a given work area prior to earth disturbance within that work area. Earth disturbance includes, but is not limited to, stumping and grubbing of cleared areas.

B. On-Site Plan Coordinator (OSPC)

1. The permittee shall designate a person as the OSPC who shall be directly responsible for on-site implementation of the EPSC Plan. Such person shall be knowledgeable in the principles and practice of erosion prevention and sediment controls and possess the skills to assess conditions at the construction site that could impact stormwater quality and to assess the effectiveness of all sediment and erosion control measures selected to control the quality of stormwater discharges from the construction activity.
2. The OSPC shall have the authority to stop and/or modify construction activities as necessary to comply with the EPSC Plan and the terms and conditions of this permit and shall be responsible for inspections and record keeping. The OSPC or his/her designee shall be on site on a daily basis during construction activity. The OSPC does not have to be the permit applicant.
3. The name and daytime telephone number of the OSPC shall be filed in writing with DEC's Stormwater Management Program before the start of construction.

C. Maintenance of Erosion Prevention and Sediment Control Measures

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

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

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

1. If, based upon inspections or investigations by DEC representatives, it is determined that the EPSC Plan will not be sufficient to prevent runoff of visibly discolored stormwater from the construction site, the permittee shall modify the EPSC Plan as necessary to include additional or modified BMPs designed to correct problems identified. Revisions to the EPSC Plan shall be completed within seven (7) calendar days following the inspection or investigation.
2. At any time after issuing this permit, the Secretary may, in his or her sole discretion, determine that a stormwater discharge may cause, has reasonable potential to cause, or contribute to a violation of Vermont's Water Quality Standards. If such a determination is made, the Secretary will require the permittee to:
 - a. Amend the EPSC Plan to address adequately the identified water quality concerns;
 - b. Submit valid and verifiable data and information that are representative of ambient conditions and indicate that the receiving water is attaining water quality standards; or
 - c. Cease discharges of pollutants to surface waters from the construction activity.
3. The Secretary has the sole discretion to order a permittee to immediately stop all ongoing construction and construction-related activities upon a finding that a discharge or potential discharge from such activities presents a current or potential threat of harm to the environment. The Secretary's stop work order may also require the permittee to take all actions to prevent or correct the discharge or potential discharge. Any action taken by the Secretary pursuant to this subpart shall not limit the Secretary's authority to pursue other enforcement actions pursuant to 10 V.S.A Chapters 47 and 201.
4. Each revised EPSC Plan prepared pursuant to this Part shall be maintained on-site.

E. EPSC Plan Availability

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

F. Amending the EPSC Plan

1. The permittee shall amend the EPSC Plan prior to implementing any change in the design, construction, operation or other procedure which would alter the grading plan, construction sequence, or the location or implementation of any BMPs.
2. An amendment to the EPSC Plan is required, if after taking corrective action, as required in Part III.B, it is determined that the EPSC Plan requires an amendment to be effective in future efforts in preventing erosion and controlling the discharge of sediment.
3. An amendment to the EPSC Plan is required if the Secretary makes this determination pursuant to Part II.D.2 of this permit.
4. The OSPC is authorized to implement minor changes that involve substituting accepted interchangeable erosion prevention and sediment control practices, as detailed in the Vermont Erosion Prevention and

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

5. For changes to the EPSC Plan other than substitution of interchangeable practices from the Vermont Erosion Prevention and Sediment Control Field Guide, the permittee shall have the EPSC Plan modified to reflect the change by either the original designer, a professional engineer licensed in the State of Vermont or a Certified Professional in EPSC. Such modification shall include a certification that the modified EPSC Plan meets the requirements of this permit and The Vermont Standards and Specifications for Erosion Prevention and Sediment Control on a form provided by the Secretary.
6. All proposed changes to the EPSC Plan that do not conform to The Vermont Standards and Specifications for Erosion Prevention and Sediment Control must be submitted to DEC for formal approval prior to implementation of the changes in the field. The submission shall include:
 - a. Narrative description of the plan changes;
 - b. Justification for the alternative EPSC practice(s);
 - c. Updated EPSC Plan sheets showing the proposed changes;
 - d. Any additional information required by the Secretary.
7. Any change that involves earth disturbance substantially outside of the originally authorized limits of disturbance requires coverage under a separate authorization or amendment to this permit. Any such change shall require permittee to submit to DEC for formal approval prior to implementation of the change. In consideration for approval, DEC may consider several factors in determining whether the change is substantial and requires an amendment to the permit, including but not limited to size of additional area(s) to be disturbed, existing condition of area(s) to be disturbed, proximity to water resources and their buffers, and may consider whether the change will negatively impact water resources. The submission shall include:
 - a. Narrative description of the change(s);
 - b. Justification for the change;
 - c. Updated EPSC Plan sheets showing the proposed change(s);
 - d. Any additional information requested by the Secretary deemed necessary for consideration.

G. Late Fall/Winter/Early Spring Construction Activities

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

H. Dewatering Activities

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

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

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

I. Disturbance Limitations/Stabilization

1. The total earth disturbance associated with construction of this project is approximately **1.7** acres. The maximum area of concurrent earth disturbance at any one time allowed under this permit is **1.7** acres.
2. All areas of earth disturbance must be stabilized within **14** days of initial disturbance. After this initial **14-day** period, all disturbances in these areas must be stabilized on a daily basis, with the following exceptions:
 - a. Stabilization is not required if work is to continue in the disturbed area within the next 24 hours and there is no precipitation forecast for the next 24 hours.
 - b. Stabilization is not required if the work is occurring in a self-contained excavation (i.e. no outlet for stormwater) with a depth of 2 feet or greater (e.g. underground utility installation).
 - c. During Winter Construction, to ensure cover of disturbed soil in advance of a melt event, areas of disturbed soil must be stabilized at the end of each work day, in accordance with the previous exceptions.

J. Pre-construction Conferences

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

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

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

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

A. General Inspection Requirements

1. The permittee is responsible for inspecting and maintaining erosion prevention and sediment controls that minimize or eliminate pollutants in the discharge in accordance with the requirements of this permit.
2. Inspections shall be conducted at least once every seven (7) calendar days and as required in Part III.B of this permit.
3. During the late fall/winter/spring construction season (October 15th through April 15th), daily inspections shall be conducted of areas that have been disturbed and are not yet finally stabilized.
4. Inspection frequency may be reduced to not less than one (1) per month if the entire site is temporarily stabilized.
5. Inspections may be postponed indefinitely if the entire site is permanently stabilized.
6. Inspections shall be conducted by, or under the direction of, the OSPC.
7. Inspections shall include all areas of the site disturbed by construction activity and all discharge locations, including areas with temporary stabilization.
8. An inspection report shall be completed for each inspection and signed by the OSPC or the person acting under the direction of the OSPC. At a minimum, each inspection report shall include:
 - a. The inspection date;
 - b. Names, titles, and qualifications of personnel making the inspection;
 - c. A general description of weather information for the period since the last inspection (or since commencement of construction activity if the first inspection) including a description of any precipitation, any runoff of visibly discolored stormwater from the construction site and any discharges of visibly discolored stormwater from the construction site to waters of the state;
 - d. A description of current weather information and a description of any runoff or discharges of visibly discolored stormwater to waters of the state occurring at the time of the inspection;
 - e. Location(s) of runoff or discharges of visibly discolored stormwater to waters of the state from the construction site;
 - f. Location(s) of BMPs that need to be maintained;
 - g. Location(s) of BMPs that failed to operate as designed or proved inadequate for a particular location;
 - h. Location(s) where additional BMPs are needed that did not exist at the time of inspection;
 - i. Any corrective action required including any necessary changes to the EPSC Plan and implementation dates;
 - j. Description of areas that are currently disturbed and areas that have been temporarily or finally stabilized since last inspection;
 - k. A description of the soil conditions (e.g. dry, wet, saturated); and
 - l. A certification that the construction activities are now in compliance with the EPSC Plan and this permit.
9. A record of each inspection report and of any actions taken in accordance with this Subpart shall be maintained on-site with the EPSC Plan and shall be made available upon request by DEC representatives.

10. When site conditions between April 15th – May 15th are similar to winter conditions (e.g. snow cover, frozen ground and/or saturated soils) within the areas of planned earth disturbance, the appropriate winter restrictions on page 3.19 of the 2020 Vermont Standards and Specifications for Erosion Prevention and Sediment Control selected by the OSPC shall be applied to the portions of the site that are experiencing those conditions.

B. Inspection, Sampling and Corrective Action Requirements

1. As soon as reasonably possible, during, or after, every rainfall event or snowmelt event which produces runoff from the construction site, the OSPC shall inspect for the runoff of visibly discolored stormwater from the construction site. If there is runoff of visibly discolored water from the construction site, the OSPC shall as soon as practicable inspect and maintain BMPs for compliance with the approved EPSC plan. For purposes of this permit, “construction site” shall mean the land or water area where any facility or activity is physically located or conducted, including adjacent land used in connection with the facility or activity or the area of earth disturbance directly associated with the permitted construction activity.
2. If after inspecting and maintaining existing BMPs in accordance with Part III.B.1, the runoff of visibly discolored stormwater continues, the OSPC shall sample the runoff as follows:
 - a. A turbidity sample shall be taken at each point where visibly discolored stormwater runs off the construction site. Samples shall be representative of the flow and characteristics of the runoff.
 - b. If due to unexpected circumstances an OSPC is unable to sample during periods of runoff, the monitoring report shall include a brief explanation of such circumstances.
 - c. Sampling is required at all points where visibly discolored stormwater runoff from disturbed areas that have not been finally stabilized leaves the construction site.
 - d. All sampling points shall be identified on the EPSC Plan site map and be clearly marked in the field with a flag, tape, stake or other visible marker.
 - e. After approval by DEC, sampling may be discontinued at those points of stormwater runoff that are deemed to pose no risk of discharge to waters of the state.
3. If the turbidity sample taken is 25 NTU or lower, no further sampling or action is required during this particular event.
4. If the turbidity sample taken is greater than 25 NTU:
 - a. The OSPC shall as soon as practicable evaluate the need for supplemental BMPs and install such BMPs as necessary to correct the runoff.
 - b. The OSPC shall, within 72 hours of first discovering the runoff, submit a written report about the runoff and resulting corrective action to the Secretary. The report shall:
 - i. Be on a form provided by the Secretary
 - ii. Describe the cause, time and date, and location of the runoff;
 - iii. Describe the status of construction and conformance with the EPSC Plan at the time of the runoff;
 - iv. Detail the corrective action taken to stop the runoff, including a description of the actions taken, their location, and the time and date of the corrective action; and
 - v. Be copied and a copy retained on-site with the EPSC Plan.
 - c. The EPSC Plan shall be updated within 72 hours to reflect the actions taken.

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

C. Recordkeeping

1. The following records shall be maintained on-site with the EPSC Plan:
 - a. Inspection reports prepared pursuant to Part III.A of this permit;
 - b. Discharge Reports, Corrective Action reports and Summaries of Releases prepared pursuant to Parts III.B and VIII.C of this permit;
 - c. Notices of Addition or Termination of Co-Permittees submitted to the Secretary in accordance with Part V of this permit;
 - d. Any Notices of Termination for Portions of the On-going Construction Site in accordance with Part V of this permit; and
 - e. Any amendments to the EPSC Plan required by this permit.
2. A copy of the authorized EPSC Plan shall be on-site during normal working hours from the date of commencement of construction activities to the date of final stabilization. EPSC Plans shall be made available upon request by DEC representatives.
3. The OSPC shall have a copy of the EPSC Plan and all amendments available at a central location on-site for the use of all those identified as having responsibilities under the EPSC Plan whenever they are on the construction site.
4. The permittee shall post a Notice of Authorization, provided by the Secretary, demonstrating authorization under this permit. The notice shall be placed near the construction entrance at a location visible to the public.

Part IV. EPSC Specialist Oversight

EPSC Specialist

1. In addition to the regular inspections required under Part III.A., the permittee shall designate an EPSC Specialist who will be responsible for performing environmental inspections during the project; confirming water resources protection throughout the project, and for related record keeping. The name, address, telephone number, and basic qualifications of the person shall be provided to DEC for approval before the commencement of construction. This person shall not be the OSPC.
2. The EPSC Specialist shall determine, confirm, and report whether the EPSC Plan is being followed and that appropriate revisions are being made to the EPSC Plan when the EPSC Plan proves inadequate. In addition, the EPSC Specialist shall, in conjunction with the OSPC bear the responsibility of reviewing the site to ensure compliance with the approved EPSC Plan and to direct corrective action in accordance with Part III.B of this permit.

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

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

Department of Environmental Conservation
Watershed Management Division
Stormwater Management Program
1 National Life Drive, Davis 3
Montpelier, VT 05620-3522

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

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

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

A. Transfer of Permit Coverage

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

2. A Notice of Transfer must be submitted to the Secretary not later than thirty (30) days prior to the transfer and shall include the following:
 - a. The name and address of the present permittee;
 - b. The name and address of the prospective permittee;
 - c. The proposed date of transfer; and

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

B. Adding or Terminating Co-Permittees

1. An owner or principal operator may be added as a co-permittee by filing a Notice of Addition of Co-Permittee form with the Secretary. The Co-Permittee shall be subject to all the terms and conditions of this permit and the EPSC Plan.
2. If the owner of the construction site obtains coverage under this permit and the owner is not the principal operator or the sole principal operator, then all principal operators shall obtain coverage as co-permittees in accordance with this Subpart prior to the commencement of construction activities.
3. A co-permittee may be terminated as a Co-Permittee by filing a Notice of Termination of Co-Permittee form on a form provided by the Secretary. The Co-Permittee shall only be terminated from the permit upon approval by the Secretary.

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

1. A permittee may submit a Notice of Termination (NOT) for a portion of the on-going construction project in the following instances:
 - a. When final stabilization has been achieved on the portion of the site for which termination is sought;
 - b. When title to a portion of the construction site has been transferred to a new owner and the new owner has obtained separate coverage under an individual construction permit or DEC's General Permit 3-9020 for Stormwater Runoff from Construction Sites (May 19, 2020) or its replacement;
 - c. When another operator has assumed control over the portion of the site for which termination is sought and the new operator has obtained coverage under an individual construction permit or DEC's General Permit 3-9020 for Stormwater Runoff from Construction Sites (May 19, 2020) or its replacement;
 - d. For residential construction only, temporary stabilization has been completed and the residence has been transferred to the homeowner.
2. To obtain a notice of termination for a portion of an on-going construction site, the permittee shall follow the requirements of Part V.E of this permit.

D. Notice of Termination for the Entire Construction Site

1. The permittee may submit a NOT for the entire construction site in the following instances:
 - a. Final stabilization has been achieved on the entire construction site for which the permittee is responsible;
 - b. Another operator has assumed control over all areas of the site that have not been finally stabilized and has obtained permit coverage; or
 - c. Coverage under an individual or DEC's General Permit 3-9020 for Stormwater Runoff from Construction Sites (May 19, 2020) or its replacement has been obtained.

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

E. Submitting a Notice of Termination

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

Part VI. Violation of Permit Requirements; Enforcement

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

Part VII. Appeals

1. Renewable Energy Projects – Right to Appeal to Public Utility Commission:
Any appeal of this decision must be filed with the clerk of the Vermont Public Utility Commission pursuant to 10 V.S.A. §8506 within 30 days of the date of this decision. The appellant must file with the Clerk an original and six copies of its appeal. The appellant shall provide notice of the filing of an appeal in accordance with 10 V.S.A. §8504(c)(2), and shall also serve a copy of the Notice of Appeal on the Vermont Department of Public Service. For information, see the Rules and General orders of the Public Utility Commission available on line at www.puc.vermont.gov. The address for the Public Utility Commission is 112 State Street Montpelier, Vermont 05620-2701 (Tel. #802-828-2358).
2. All Other Projects – Right to Appeal to Environmental Court
Pursuant to 10 V.S.A. Chapter 220, if this decision relates to all other projects, any appeal of this decision must be filed with the clerk of the Environmental Court within 30 days of the date of the decision. The appellant must attach to the Notice of Appeal the entry fee of \$250.00 payable to the State of Vermont. The Notice of Appeal must specify the parties taking the appeal and the statutory provision under which each party claims party status; must designate the act or decision appealed from; must name the Environmental Court; and must be signed by the appellant or their attorney. In addition, the appeal must give the address or location and description of the property, project or facility with which the appeal is concerned and the name of the applicant or any permit involved in the appeal. The appellant must also serve a copy of the Notice of Appeal in accordance with Rule 5(b)(4)(B) of the Vermont Rules for Environmental Court Proceedings. For additional information, see the Vermont Rules for Environmental Court Proceedings, available online at www.vermontjudiciary.org or call (802) 951-1740. The address for the Environmental Court is 32 Cherry Street, 2nd Floor Suite 303, Burlington, Vermont 05401.

Part VIII. Standard Permit Conditions

A. Permit Actions

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

B. Limitations

1. This permit conveys no vested rights or exclusive privileges. The permit conveys no title to land nor authorizes any injury to public or private property. The permit does not authorize infringement of any applicable federal, state or local laws or regulations nor obviate the necessity of obtaining such additional permits as may be required.
2. Nothing in this permit shall be construed as having relieved, modified, or in any manner affected the permittee's ongoing obligation to comply with all other federal, state or local statutes, regulations or directives applicable to the permittee in the operation of its business, nor does it relieve the permittee of the obligation to obtain all necessary federal, state and local permits.

C. Prohibitions

1. This permit does not relieve any person of the federal reporting requirements of 40 CFR Part 110, 40 CFR Part 117 and 40 CFR Part 302 relating to spills or other releases of oils or hazardous substances. This permit does not authorize the discharge of hazardous substances or oil resulting from an on-site spill.
2. If a release in excess of reportable quantities occurs, the permittee must modify the EPSC Plan required under Part III within 7 calendar days of knowledge of the release to: provide a description of the release, the circumstances leading to the release, and the date of the release. The EPSC Plan must identify measures to prevent the reoccurrence of such releases and to respond to such releases.
3. Discharges of any material other than stormwater, such as vehicle and equipment maintenance spills, fuels, wash water, construction debris, oil, wet concrete (including washout water from concrete batch trucks or equipment used to mix concrete), and other substances are prohibited.
4. Sediments and other pollutants collected and removed in the course of treatment of stormwater runoff shall be disposed in a manner that will not result in the sediments and pollutants entering waters of the State.

D. Right of Entry

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

E. Historic Properties

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

F. Retention of Records

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

G. Need to Halt or Reduce Activity Not a Defense

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

H. Duty to Mitigate

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

I. Signatory Requirements

1. All applications must be signed as follows:

a. For a corporation: by a responsible corporate officer. For the purposes of this section, a responsible corporate officer means:

i. A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation;

ii. The manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

c. For a municipality, State, Federal or other public agency: by either a principal executive officer or a ranking elected official. For purposes of this section, a principal executive officer of a Federal Agency includes: the chief executive officer of the agency or a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

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

3. Any person signing documents required under the terms of this permit must include the following certification:

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

J. Duty to Reapply

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

K. Proper Operation and Maintenance

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

L. Notice of Planned Changes

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

M. Notice of Anticipated Noncompliance

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

N. Duty to Provide Information

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

O. Penalty for Permit Violation

10 V.S.A. Section 1275(a) provides that:

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

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

A penalty of not more than \$42,500 may be assessed for each determination of a separate violation. In addition, if the secretary determines that a violation is continuing the secretary may assess a penalty of not

more than \$17,000.00 for each day the violation continues. The maximum amount of penalty assessed under this subsection shall not exceed \$170,000.00.

P. Penalty for False Statement

10 V.S.A. Section 1275(b) provides that:

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

Q. Severability

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

R. Monitoring

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

S. Twenty-four hour reporting

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

Part X. Effective Date of Permit and Permit Term

This permit shall become effective on September 24, 2020 and shall expire on September 23, 2025. The permittee shall reapply for coverage at least sixty (60) days prior to expiration if the project has not achieved final stabilization or if construction activities are expected after the date of expiration.

Signed September 24, 2020

Peter Walke, Commissioner
Department of Environmental Conservation



By: _____
Padraic Monks
Stormwater Program Manager

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BURLINGTON INTERNATIONAL

**AIRPORT Annual Report for General Permit
3-9014 (MS4)
including
Annual Reporting Summary for
MS4-Incorporated Operational
Stormwater Discharge Permits**

April 1, 2021

Appendix G

**Post Construction Stormwater Management for New
Development and Redevelopment (MCM #5)
Operational Stormwater Discharge
Permits Issued in 2020**

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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 Air National Guard
30 Falcon Street
South Burlington, VT 05403

Impervious Area: 48.77 acres

the permittee, is hereby granted permission to discharge stormwater runoff from Air National Guard located at 105 NCO Drive in South Burlington, Vermont to Muddy Brook, groundwater to Muddy Brook, the Winooski River, class III wetland to the Winooski River, groundwater in the Winooski River watershed, and an unnamed tributary to the Winooski River. This permit amends and replaces previously authorized permit 3105-9010.RA and 3028-INDS.5 for Air National Guard and VTANG Taxiway F and D Widening, North, South Arm / Pad, and Apron Repair, respectively. This individual permit is required due to procedures used outside the scope of the General Permit 3-9015.

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) 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, unnamed tributary to the Winooski River, groundwater in the Winooski River watershed, class III wetland in the Winooski River watershed, Muddy Brook, and groundwater in the Muddy Brook watershed,
7. Manner of Discharge:
 - S/N 001: Stormwater runoff from impervious areas associated with the aircraft arresting system via overland flow to a closed piping system discharging to the Winooski River.
 - S/N 002: Stormwater runoff from rooftop and non-rooftop impervious areas is pretreated in a grass filter strip before being infiltrated into the ground in the Winooski River watershed. Stormwater runoff disconnected in accordance with the Disconnection of Rooftop Runoff Credit and the Disconnection of Non-Rooftop Runoff Credit.
 - S/N 003: Stormwater runoff from concrete equipment pad, paved roads and parking via sheet flow and enclosed drainage to Infiltration Trenches #A and #B, discharging to groundwater in the Muddy Brook watershed, with overflow via existing drainage patterns to Muddy Brook.
 - S/N 003: (from 3028-INDS.5) Stormwater runoff from Apron and existing runway and taxiway via sheet flow, overland flow to stormwater inlets, pipe network. Stormwater collection system routes through pre-treatment practice, infiltration gallery, infiltrates to groundwater, which discharges to the Winooski River.
 - S/N 004: Infiltration Area #1: Stormwater runoff from Building 170 rooftop, via pipe flow to an underground stormwater infiltration system (Infiltration Area #1), discharging to groundwater (tributary to Winooski River watershed), with overflow discharging via existing stormwater collection system to an unnamed tributary to the Winooski River.
 - S/N 005: Stormwater runoff from impervious areas associated with the aircraft arresting system via overland flow to a closed piping system discharging to the Winooski River.
 - S/N 006: Stormwater runoff from paved roads, parking, and buildings via sheet flow and enclosed drainage to Infiltration Basin #2, discharging to groundwater in the Winooski River watershed, with overflow via stone level lip spreader, then by existing drainage patterns to the Winooski River.
 - S/N 007: Stormwater runoff from impervious areas associated with the aircraft arresting system via overland flow to a closed piping system, with integrated infiltration trench, discharging to Muddy Brook.

- S/N 008: Stormwater runoff from paved roads, parking, and buildings via sheet flow and enclosed drainage to Infiltration Basin #3 and Infiltration Trench #4, discharging to groundwater in the Winooski River watershed, with overflow via pipe, then by existing drainage patterns to an unnamed tributary of the Winooski River.
- S/N 008: (from 3028-INDS.5) Stormwater runoff from Taxiway Foxtrot via sheet flow, overland flow to stormwater inlets, pipe network. Stormwater collection system routes through pre-treatment practice, infiltration gallery, infiltrates to groundwater, which discharges to nearest unnamed tributary upstream of the Winooski River.
- S/N 009: Stormwater runoff from paved roads, parking, and buildings via sheet flow and enclosed drainage to Infiltration Trenches #4 and #6, discharging to groundwater in the Winooski River watershed, with overflow via pipe, then by existing drainage patterns to an unnamed tributary of the Winooski River.
- S/N 009: (from 3028-INDS.5) Stormwater runoff from Taxiway Foxtrot via sheet flow, overland flow to stormwater inlets, pipe network. Stormwater collection system routes through pre-treatment practice, infiltration gallery, infiltrates to groundwater, which discharges to nearest unnamed tributary upstream of the Winooski River.
- S/N 010: Stormwater runoff from impervious areas associated with the aircraft arresting system via overland flow to a closed piping system discharging to Muddy Brook.
- S/N 010: (from 3028-INDS.5) Stormwater runoff from Taxiway Foxtrot and North Arm/Pad via sheet flow, overland flow to stormwater inlets, pipe network. Stormwater collection system routes through pre-treatment practice, infiltration gallery, infiltrates to groundwater, which discharges to nearest unnamed tributary upstream of the Winooski River.
- S/N 011: Stormwater runoff from paved roads, parking, and buildings via sheet flow and curb line flow to an Infiltration Basin #5, discharging to groundwater in the Winooski River watershed, with overflow via stone lined emergency spillway, then by existing drainage patterns to Class 3 wetlands.
- S/N 011: (from 3028-INDS.5) Stormwater runoff from Taxiway Delta and South Arm/Pad via sheet flow, overland flow to stormwater inlets, pipe network. Stormwater collection system routes through pre-treatment practice, infiltration gallery, infiltrates to groundwater, which discharges to Muddy Brook.
- S/N 012: Stormwater runoff from paved roads, roofs, and parking areas via overland flow across vegetated terrain, via grass-lined drainage swales, and by way of catch basins and storm drains, then through existing drainage courses to the Winooski River.
- S/N 013: Stormwater runoff from buildings, roads, parking areas, and natural terrain collected in catch basins, direct via a culvert or overland flow to a vegetated swale, then discharging to the Winooski River.
- S/N 014: Stormwater runoff from the northern portion of the lot development (i.e. drive, parking, and buildings), associated with the Base Supply Complex directed via catch basins and culverts to a detention basin which in turn discharges via a swale to the Winooski River. Stormwater runoff from the southern portion of lot development (i.e. drive, parking, and buildings) associated with the Base Supply Complex directed via a catch basin and culverts or sheet flow to a vegetated swale which discharges to the Winooski River.

S/N 015: Stormwater runoff from paved roads, parking lots, roofs and natural terrain, via grass-lined drainage swales and via infiltration trench, then via overland flow across vegetated terrain, discharging to Muddy Brook.

This individual permit is required for renewal and consolidation of previously issued discharge permits and for use of the *Site Balancing Procedure for the Discharge of Stormwater Runoff from the Expansion or Redevelopment of Impervious Surfaces*.

8. Wastes Permitted: Stormwater runoff from the above named areas of the project permitted herein after treatment as specified in the Manner of Discharge.
9. Volumes Permitted and Frequency of Discharge: Such volumes and frequency as required by the discharge specified in the Manner of Discharge above.
10. Approved Project Design: This project shall be constructed and operated in accordance with the following site plans, details and supporting information. By reference, the following plans are made a part of this permit: Previously Authorized under Permit Number 3105-INDS.R: Krebs & Lansing Consulting Engineers, Inc. and Smith, Alvarez, Sienkiewicz Architects (Sheets: C-1 and C-2, dated 8/13/2009; Sheet ST1, dated 9/11/2009; and by the 158th FW Vermont Air National Guard Sheets C3 and C8, dated 8/7/2009, last revised 8/7/2009; Sheet C5, dated 8/7/2009, last revised 8/8/2009); Previously Authorized under Permit Number 3105-9015.1: Krebs and Lansing Consulting Engineers, Inc and Smith, Alvarez, Sienkiewicz Architects (Sheet C-1, "Site Plan, Construct Munitions Equipment Pad", dated September 3, 2013; Sheet C-2, "Details, Construct Munitions Equipment Pad", dated September 3, 2013; Sheet X-1, "Existing Conditions, Construct Munitions Equipment Pad", dated September 3, 2013; Sheet ST1, "Topographic & Soils Map, Site, Discharge Points & Receiving Waters, VTANG, Munitions Equipment Pad", dated August 8, 2013); Permit Number 3105-9015.2: Krebs & Lansing Consulting Engineers, Inc., (Sheets C-1, C-3, and X-1, a dated 7/30/11; Sheet ST1, dated 8/16/2011); Previously Authorized under Permit Number 3105-9015.1: Krebs & Lansing Consulting Engineers, Inc., (Sheet ST1, dated 3/16/2011; Sheets ST2, ST3, ST4, ST5, and ST6, all dated 2/24/2011); Previously Authorized under Permit 3105-9015: Krebs & Lansing Consulting Engineers, Inc., (Sheet ST-2, titled "Topographic & Soils Map " dated 12/02/2010; Sheet C-1, titled "Site layout - Fixed Ground Mount System," dated 12/02/2010; Sheet ST-1, titled "Post Development Stormwater Plan," dated 12/02/2010; Sheet EX-1, titled "Existing Conditions Plan," dated 12/01/2010; Sheet D-1, titled "Civil Details," dated 12/02/2010); Previously Authorized under Permit 3028-INDS.5: Pond and Company, TAXIWAY DELTA - (B-101, "Existing Condition and Boring Location Plan Taxiway Delta STA. 300+00 – 307+00" dated 06/08/2016; B-102, "Existing Condition and Boring Location Plan Taxiway Delta STA. 307+00 – 317+00", dated 06/08/2016; B-103, "Existing Condition and Boring Location Plan Taxiway Delta STA. 317+00 – 323+16", dated 06/08/2016; CG101, "Grading and Drainage Plan Taxiway Delta STA. 300+00 – 307+00", dated 06/08/2016; CG102, "Grading and Drainage Plan Taxiway Delta STA. 307+00 – 317+00", dated 06/08/2016; CG103, "Grading and Drainage Plan Taxiway Delta STA. 317+00 – 323+16", date 06/08/2016; CG201, "Storm Drainage Profiles Taxiway Delta Profiles", dated 06/08/2016; CG501, "Grading and Drainage Details – Sheet 1", dated 06/08/2016; CG502, "Grading and Drainage Details – Sheet 2", dated 06/08/2016; CG503, "Grading and Drainage Details – Sheet 3", dated 06/08/2016; CG504, "Grading and Drainage Details – Sheet 4", dated 06/08/2016; CG505, "Grading and Drainage Details – Sheet 5", dated 06/08/2016); APRON – (B-101 "Existing Conditions and Boring

Location Plan Apron STA. 200+00 – 210+00”, dated 06/08/2016; B-102, “Existing Conditions and Boring Location Plan Apron STA. 210+00 – 219+22.88”, dated 06/08/2016; CG101, “Grading and Drainage Plan Apron STA. 200+00 – 210+00”, dated 06/08/2016; CG102, “Grading and Drainage Plan Apron STA. 210+00 – 219+22.88”, dated 06/08/2016; CG201, “Storm Drainage Profiles Apron Profiles”, dated 06/08/2016; CG202, “Storm Drainage Profiles Apron Profiles”, dated 06/08/2016; CG203, “Storm Drainage Profiles Apron Profiles”, dated 06/08/2016; CG501, “Grading and Drainage Details – Sheet 1”, dated 06/08/2016; CG502, “Grading and Drainage Details – Sheet 2”, dated 06/08/2016; CG503, “Grading and Drainage Details – Sheet 3”, dated 06/08/2016; CG504, “Grading and Drainage Details – Sheet 4”, dated 06/08/2016; CG505, “Grading and Drainage Details – Sheet 5”, dated 06/08/2016; CG506, “Grading and Drainage Details – Sheet 6”, dated 06/08/2016); TAXIWAY FOXTROT – (B-100, “Existing Conditions and Boring Location Plan”, dated 06/08/2016; B-101, “Existing Conditions and Boring Location Plan Taxiway Foxtrot STA. 100+00 – 110+50”, dated 06/08/2016; B-102, “Existing Conditions and Boring Location Plan Taxiway Foxtrot STA. 110+50 – 120+00”, dated 06/08/2016; B-103, “Existing Conditions and Boring Location Plan Taxiway Foxtrot STA. 120+00 – 130+00”, dated 06/08/2016; B-104, “Existing Conditions and Boring Location Plan Taxiway Foxtrot STA. 130+00 – 140+00”, dated 06/08/2016; B-105, “Existing Conditions and Boring Location Plan Taxiway Foxtrot STA. 140+00 – 144+78.60”, dated 06/08/2016; CG101, “Grading and Drainage Plan Taxiway Foxtrot STA. 100+00 – 110+50”, dated 06/08/2016; CG102, “Grading and Drainage Plan Taxiway Foxtrot STA. 110+50 – 120+00”, dated 06/08/2016; CG103, “Grading and Drainage Plan Taxiway Foxtrot STA. 120+00 – 130+00”, dated 06/08/2016; CG104, “Grading and Drainage Plan Taxiway Foxtrot STA. 130+00 – 140+00”, dated 06/08/2016; CG105, “Grading and Drainage Plan Taxiway Foxtrot STA. 140+00 – 144+78.60”, dated 06/08/2016; CG201, “Storm Drainage Profiles Taxiway Foxtrot Profiles”, dated 06/08/2016; CG202, “Storm Drainage Profiles Taxiway Foxtrot Profiles”, dated 06/08/2016; CG203, “Storm Drainage Profiles Taxiway Foxtrot Profiles”, dated 06/08/2016; CG204, “Storm Drainage Profiles Taxiway Foxtrot Profiles”, dated 06/08/2016; CG501, “Grading and Drainage Details – Sheet 1”, dated 06/08/2016; CG502, “Grading and Drainage Details – Sheet 2”, dated 06/08/2016; CG503, “Grading and Drainage Details – Sheet 3”, dated 06/08/2016; CG504, “Grading and Drainage Details – Sheet 4”, dated 06/08/2016; CG505, “Grading and Drainage Details – Sheet 5”, dated 06/08/2016; CG506, “Grading and Drainage Details – Sheet 6”, dated 06/08/2016; CG506A, “Grading and Drainage Details – Sheet 7”, dated 06/08/2016; CG506B, “Grading and Drainage Details – Sheet 8”, dated 06/08/2016) and all supporting information.

11. Inspection and Maintenance Reporting Requirements:

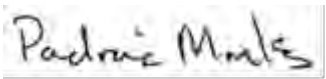
- a. The stormwater collection, treatment and control system shall be maintained in good operating condition at all times and **shall be inspected annually and cleaned as necessary to maintain design specifications. The inspections shall be conducted between the conclusion of spring snow melt and June 15th of each year.**
- b. Any sediment removed from the 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 electronically to the DEC – Watershed Management Division, Stormwater Program at: <https://anronline.vermont.gov>**

- i. Unless previously submitted by the permittee(s) under a previously issued authorization or discharge permit, the first report submitted after construction completion shall also be submitted with a Designer's Initial Statement of Compliance that the project was built in compliance with the Approved Project Design outlined above at <https://anronline.vermont.gov>.
12. Personnel and Training Requirements: Such personnel and training as necessary to fulfill the requirements of the Inspection and Maintenance Reporting above.
13. Monitoring and Reporting Requirement: No monitoring required; reporting requirement as specified in the Inspection and Maintenance Reporting 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. Renewable Energy Projects – Right to Appeal to Public Utility Commission: Any appeal of this decision must be filed with the clerk of the Vermont Public Utility Commission pursuant to 10 V.S.A. §8506 within 30 days of the date of this decision. The appellant must file with the Clerk an original and six copies of its appeal. The appellant shall provide notice of the filing of an appeal in accordance with 10 V.S.A. §8504(c)(2), and shall also serve a copy of the Notice of Appeal on the Vermont Department of Public Service. For information, see the Rules and General orders of the Public Utility Commission available on line at www.puc.vermont.gov. The address for the Public Utility Commission is 112 State Street Montpelier, Vermont 05620-2701 (Tel. #802-828-2358).

17. All Other Projects – 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 or call (802) 951-1740. The address for the Environmental Court is 32 Cherry Street, 2nd Floor Suite 303 Burlington, Vermont 05401.

Dated this 19th day of December 2017

Emily Boedecker, Commissioner
Department of Environmental Conservation

By: 
Padraic Monks, Program Manager
Stormwater Management Program

**NOTICE OF ISSUANCE OF STORMWATER DISCHARGE PERMIT
BY THE VERMONT DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

Notice is hereby given that an individual stormwater discharge permit or an authorization to discharge pursuant to a general stormwater discharge permit has been issued by the Vermont Department of Environmental Conservation to Permittee(s) named herein for the discharge of stormwater runoff from impervious surfaces (e.g. roadways, rooftops, parking lots, walkways) pursuant to 10 V.S.A. Section 1264 for the property identified below. The permit/authorization requires treatment and control of stormwater runoff, long-term maintenance of the treatment and control structures and payment of yearly operational fees.

Permittee(s): **Vermont Air National Guard**

Permit/Authorization Number: **3105-INDS.1**

911 Address of Property: **105 NCO Drive, South Burlington**

Signature of Permittee or Authorized Representative: _____

Printed Name of Permittee or Authorized Representative: _____

Date of Signature: _____

Recording information: Municipal clerks - please index this document listing the State of Vermont, Department of Environmental Conservation as "Grantee". Please index this document listing the above named Permittee(s) as "Grantor(s)". Additionally, if this notice lists the name of a condominium, subdivision or planned community association, please list the named association as an additional "Grantor".

Please mail this stamped/recorded/completed form to:

**DEC – Watershed Management Division
Stormwater Management Program
1 National Life Drive, Main 2
Montpelier, VT 05620-3522**

Or email to: anr.wsmdstormwatergeneral@vermont.gov

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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 Permitting Rule, and in accordance with "Terms and Conditions" hereinafter specified,

City of Burlington, Burlington International Airport
1200 Airport Drive #1
South Burlington, VT 05403

Heritage Aviation, Inc.
228 Aviation Avenue
South Burlington, VT 05403

Impervious Area: 0.57 acres

the permittee is hereby granted permission to discharge stormwater runoff from Heritage Flight Hangar Addition located at 1130 Airport Drive in South Burlington, Vermont to an unnamed tributary to Potash Brook. This individual permit is required due to the impairment of the receiving water.

1. Expiration Date: 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, shall be applied in determining whether or not to renew this permit, and in determining the conditions of a renewed 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. Recording in Land Records: The permittee shall record a one-page town recording form for this discharge permit in the local land records within thirty (30) days of issuance of this permit on the form provided by the Secretary, per §22-901 of the Stormwater Permitting Rule. A copy of this form is available on the Stormwater Management Program website. 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. Permits for public linear transportation projects shall be exempt from this requirement, provided the permit is retained by the permittee in the official project file.

5. 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.
6. 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.
7. Receiving Waters: Unnamed tributary to Potash Brook
8. Manner of Discharge:
S/N 001: Stormwater runoff from new and existing building roofs via sheet flow and a stormwater collection system, routed to two underground infiltration chamber systems, designed for infiltration to groundwater, with overflow discharging to existing stormwater collection piping that is conveyed off-site to an outlet that discharges to an unnamed tributary to Potash Brook.
9. Wastes Permitted: Stormwater runoff from the above-named areas of the project herein after treatment as specified in the manner of discharge.
10. Volumes Permitted and Frequency of Discharge: Such volumes and frequency as required by the discharge specified in the Manner of Discharge above.
11. Approved Project Design: This project shall be constructed and operated in accordance with the following site plans and details prepared by Krebs & Lansing Consulting Engineers, Inc. By reference, the following plans are made a part of this permit:

C1.01 "Site Plan", dated 2/07/2020;
C1.02 "Site Plan", dated 2/07/2020;
C1.03 "Post - Construction Soil Depth and Quality Plan", dated 2/07/2020;
C1.04 "Post - Construction Stormwater Maintenance Plan", dated 2/07/2020;
C2.00 "Existing Conditions Plan", dated 2/07/2020;
C6.00 "Post-Development Watershed Plan", dated 2/07/2020;
CS.04 "Civil Details", dated 2/07/2020;
CS.OS "Civil Details, dated 2/07/2020;
and all supporting information.
12. Inspection and Maintenance Reporting Requirements:
 - a. The 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 15th of each year.**
 - b. Any sediment removed from the 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 electronically to the DEC – Watershed Management Division, Stormwater Program at:**

- i. Unless previously submitted by the permittee(s) under a previously issued authorization or discharge permit, the first report submitted after construction completion shall also be submitted with a Designer's Initial Statement of Compliance that the project was built in compliance with the Approved Project Design outlined above at <https://anronline.vermont.gov>.
13. Secretary's Determination: The Secretary has determined that this project meets the requirements of the Agency's 2017 Stormwater Management Manual. The Secretary has determined that the proposed discharge will not reduce the quality of the receiving waters below the classification established for them.
14. Personnel and Training Requirements: Such personnel and training as necessary to fulfill the requirements of the Inspection and Maintenance Reporting above.
15. Monitoring and Reporting Requirement: No monitoring required; reporting requirement as specified in the Inspection and Maintenance Reporting above.
16. 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.
17. Compliance with Anti-degradation and Water Quality Standards: The Secretary has determined that the permitted discharges satisfy Vermont's Anti-degradation Policy provided in Section 1-03 of the Vermont Water Quality Standards and the Department of Environmental Conservation's Interim Anti-degradation Implementation Procedure because the applicant has demonstrated how the proposed development will implement practices and offset projects as necessary to ensure water quality is maintained in receiving waters. In particular, the applicant has demonstrated how the proposed development will implement appropriate best management practices (BMPs) designed in accordance with the requirements of the Vermont Stormwater Management Manual and as necessary offset projects in accordance with Chapter 22: Stormwater Permitting Rule. These BMPs and offset projects where necessary will manage and mitigate the proposed stormwater discharge from the project such that no lowering of water quality is expected to occur in the receiving waters.
18. Right to Appeal:
 - (A) Pursuant to 10 V.S.A. Chapter 220, any appeal of this permit, except for appeal of a renewable energy plant as described in (B), must be filed with the clerk of the Environmental Division of the Superior 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 Division; and must be signed by the appellant or the appellant's 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.
 - (B) If this permit 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 Utility Commission 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 Utility Commission within 30 days of the date of this decision; the appellant must file with the clerk an original and six copies of its appeal. The appellant shall provide notice of the filing of an appeal in accordance with 10 V.S.A. § 8504(c)(2) and shall also serve a copy of the notice of appeal on the Vermont Public Service Department. For further information, see the Rules and General Orders of the Public Utility Commission.

19. Effective Date and Expiration Date of this Authorization: This authorization to discharge shall become effective on April 28, 2020 and shall expire on April 27, 2025.

Dated this 28th day of April, 2020

Peter Walke, Commissioner
Department of Environmental Conservation

By: Padraic Monks
Padraic Monks, Program Manager
Stormwater Management Program



VERMONT DEPARTMENT OF ENVIRONMENTAL CONSERVATION
WATERSHED
 MANAGEMENT DIVISION
 STORMWATER PROGRAM

**Town Recording of Permit Issued
 FOR STORMWATER DISCHARGE PERMIT BY
 THE VERMONT DEPARTMENT OF
 ENVIRONMENTAL CONSERVATION**

Notice is hereby given that the Vermont Department of Environmental Conservation gives authorization to discharge pursuant to a general stormwater discharge permit that has been issued to Permittee(s) named herein for the discharge of stormwater runoff for the property identified below from impervious surfaces (e.g. roadways, rooftops, parking lots, walkways) pursuant to 10 V.S.A. 1264. The authorization requires treatment and control of stormwater runoff, long-term maintenance of the treatment and control structures and payment of yearly operational fees.

Permittee(s): City of Burlington, Burlington International Airport; and Heritage Aviation, Inc.

Permit/Authorization Number: 3028-INDS.8

911 Address of Property: 1130 Airport Drive, South Burlington

Name of association (if applicable): _____
 (condominium, subdivision or planned community)

Printed Name of Permittee or Authorized Representative: _____

Signature of Permittee or Authorized Representative: _____ Date: _____

FOR TOWN CLERK USE ONLY:

Recorded under Book: _____ Page: _____

Date Recorded with Town: _____ Signature / Stamp: _____

Recording information for Municipal Clerks - please index this document listing the State of Vermont, Department of Environmental Conservation as "Grantee," and listing the above-named Permittee(s) as "Grantor(s)." Additionally, if this notice lists the name of a condominium, subdivision or planned community association, please list the named association as an additional "Grantor."

**Please upload this completed form to ANR Online by visiting the following link
<https://anronline.vermont.gov>**

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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 Permitting Rule, and in accordance with "Terms and Conditions" hereinafter specified,

Burlington International Airport
1200 Airport Drive #1
South Burlington, VT 05403

Impervious Area: 4.02 acres

the permittee is hereby granted permission to discharge stormwater runoff from Remain Overnight Apron (Phase 7) located at 1130 Airport Drive in South Burlington, Vermont to Potash Brook. This individual permit is required due to the impairment of the receiving water.

1. Expiration Date: 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, 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 (90) 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. Recording in Land Records: The permittee shall record a one-page town recording form for this discharge permit in the local land records within thirty (30) days of issuance of this permit on the form provided by the Secretary, per §22-901 of the Stormwater Permitting Rule. A copy of this form is available on the Stormwater Management Program website. 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. Permits for public linear transportation projects shall be exempt from this requirement, provided the permit is retained by the permittee in the official project file.
5. 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.

6. 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.
7. Receiving Waters: Potash Brook
8. Manner of Discharge:
S/N 001: Stormwater runoff from the new concrete aircraft remain overnight apron and hangar expansion will be collected in a new closed drainage system and routed through an underground sand filter and storage chambers. The sand filter and chambers will be enclosed in an impervious membrane to prevent infiltration into the groundwater. The stormwater then outlets to the existing closed drainage system and ultimately to the Potash Brook watershed.
9. Wastes Permitted: Stormwater runoff from the above-named areas of the project herein after treatment as specified in the manner of discharge.
10. Volumes Permitted and Frequency of Discharge: Such volumes and frequency as required by the discharge specified in the Manner of Discharge above.
11. Approved Project Design: This project shall be constructed and operated in accordance with the following site plans and details prepared by Hoyle, Tanner & Associates. By reference, the following plans are made a part of this permit:

Sheet P1.1, "Existing Conditions Sheet 1 of 2", dated March 2020;
Sheet P1.2, "Existing Conditions Sheet 2 of 2", dated March 2020;
Sheet P1.3, "Proposed Conditions Sheet 1 of 3", dated March 2020;
Sheet P1.4, "Proposed Conditions Sheet 2 of 3", dated March 2020, last revised April 24, 2020;
Sheet P1.5, "Proposed Conditions Sheet 3 of 3", dated March 2020;
Sheet P1.6, "Maintenance Plan", dated March 2020, last revised April 24, 2020;
Sheet G1.5, "Construction Safety and Phasing Plan-Overall", dated March 2020;
Sheet G1.13, "Erosion Control Notes and Details", dated March 2020, last revised May 6, 2020;
Sheet GD1.1, "Grading and Drainage Plan Sheet 1 of 3", dated April 2020;
Sheet GD1.2, "Grading and Drainage Plan Sheet 2 of 3", dated April 2020;
Sheet GD1.3, "Grading and Drainage Plan Sheet 3 of 3", dated April 2020;
Sheet GD3.1, "Drainage Details", dated March 2020, last revised March 25, 2020;
Sheet GD4.1, "Drainage System Details Sheet 1 of 2", dated March 2020, last revised May 4, 2020;
Sheet GD4.2, "Drainage System Details Sheet 2 of 2", dated March 2020, last revised May 7, 2020;
Sheet GD5.1, "Glycol System Details Sheet 1 of 2", dated March 2020, last revised March 25, 2020;
Sheet GD5.2, "Glycol System Details Sheet 2 of 2", dated March 2020, last revised March 25, 2020;
and all supporting information.
12. Inspection and Maintenance Reporting Requirements:
 - a. The 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 15th of each year.**
 - b. Any sediment removed from the 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 electronically to the DEC – Watershed Management Division, Stormwater Program at:**

- i. Unless previously submitted by the permittee(s) under a previously issued authorization or discharge permit, the first report submitted after construction completion shall also be submitted with a Designer's Initial Statement of Compliance that the project was built in compliance with the Approved Project Design outlined above at <https://anronline.vermont.gov>.
13. Secretary's Determination: The Secretary has determined that this project meets the requirements of the Agency's 2017 Stormwater Management Manual. The Secretary has determined that the proposed discharge will not reduce the quality of the receiving waters below the classification established for them.
14. Personnel and Training Requirements: Such personnel and training as necessary to fulfill the requirements of the Inspection and Maintenance Reporting above.
15. Monitoring and Reporting Requirement: No monitoring required; reporting requirement as specified in the Inspection and Maintenance Reporting above.
16. 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.
17. Compliance with Anti-degradation and Water Quality Standards: The Secretary has determined that the permitted discharges satisfy Vermont's Anti-degradation Policy provided in Section 1-03 of the Vermont Water Quality Standards and the Department of Environmental Conservation's Interim Anti-degradation Implementation Procedure because the applicant has demonstrated how the proposed development will implement practices and offset projects as necessary to ensure water quality is maintained in receiving waters. In particular, the applicant has demonstrated how the proposed development will implement appropriate best management practices (BMPs) designed in accordance with the requirements of the Vermont Stormwater Management Manual and as necessary offset projects in accordance with Chapter 22: Stormwater Permitting Rule. These BMPs and offset projects where necessary will manage and mitigate the proposed stormwater discharge from the project such that no lowering of water quality is expected to occur in the receiving waters,
18. Right to Appeal:
 - (A) Pursuant to 10 V.S.A. Chapter 220, any appeal of this permit, except for appeal of a renewable energy plant as described in (B), must be filed with the clerk of the Environmental Division of the Superior 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 Division; and must be signed by the appellant or the appellant's 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.
 - (B) If this permit 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 Utility Commission 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 Utility Commission within 30 days of the date of this decision; the appellant must file with the clerk an original and six copies of its appeal. The appellant shall provide notice of the filing of an appeal in accordance with 10 V.S.A. § 8504(c)(2) and shall also serve a copy of the notice of appeal on the Vermont Public Service Department. For further information, see the Rules and General Orders of the Public Utility Commission.

19. Effective Date and Expiration Date of this Authorization: This authorization to discharge shall become effective on June 9, 2020 and shall expire on June 8, 2020.

Dated this 9th day of June, 2020

Peter Walke, Commissioner
Department of Environmental Conservation



By: _____
Padraic Monks, Program Manager
Stormwater Management Program



**Town Recording of Permit Issued
FOR STORMWATER DISCHARGE PERMIT BY
THE VERMONT DEPARTMENT OF
ENVIRONMENTAL CONSERVATION**

Notice is hereby given that the Vermont Department of Environmental Conservation gives authorization to discharge pursuant to a general stormwater discharge permit that has been issued to Permittee(s) named herein for the discharge of stormwater runoff for the property identified below from impervious surfaces (e.g. roadways, rooftops, parking lots, walkways) pursuant to 10 V.S.A. 1264. The authorization requires treatment and control of stormwater runoff, long-term maintenance of the treatment and control structures and payment of yearly operational fees.

Permittee(s): **Burlington International Airport**

Permit/Authorization Number: **3028-INDS.9**

911 Address of Property: **1130 Airport Drive, South Burlington**

Name of association (if applicable): _____
(condominium, subdivision or planned community)

Printed Name of Permittee or Authorized Representative: _____

Signature of Permittee or Authorized Representative: _____ Date: _____

FOR TOWN CLERK USE ONLY:

Recorded under Book: _____ Page: _____

Date Recorded with Town: _____ Signature / Stamp: _____

Recording information for Municipal Clerks - please index this document listing the State of Vermont, Department of Environmental Conservation as "Grantee," and listing the above-named Permittee(s) as "Grantor(s)." Additionally, if this notice lists the name of a condominium, subdivision, or planned community association, please list the named association as an additional "Grantor."

Please upload this completed form to ANR Online by visiting the following link <https://anronline.vermont.gov>

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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 Permitting Rule, and in accordance with "Terms and Conditions" hereinafter specified,

Burlington International Airport
1200 Airport Drive #1
South Burlington, VT 05403

BETA AIR, LLC
1150 Airport Drive
South Burlington, VT 05403

Impervious Area: 0.68 acres

the permittee is hereby granted permission to discharge stormwater runoff from the BETA Hangar Site located at 1150 Airport Drive in South Burlington, Vermont to Potash Brook and groundwater in the Potash Brook watershed. This individual permit is required due to the impairment of the receiving water.

1. **Expiration Date:** 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, 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 sixty (60) 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. **Recording in Land Records:** The permittee shall record a one-page town recording form for this discharge permit in the local land records within thirty (30) days of issuance of this permit on the form provided by the Secretary, per §22-901 of the Stormwater Permitting Rule. A copy of this form is available on the Stormwater Management Program website. 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. Permits for public linear transportation projects shall be exempt from this requirement, provided the permit is retained by the permittee in the official project file.
5. **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.

6. 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.
7. Receiving Waters: Potash Brook and groundwater in the Potash Brook watershed
8. Manner of Discharge:
 - S/N 001: Stormwater runoff from a portion of the existing hangar building rooftop and a portion of the proposed paved parking area, via sheet flow to a pre-treatment filter strip with pea-gravel diaphragm routed to an infiltration basin with outlet control structure discharging to BTV's drainage system discharging to Potash brook.
 - S/N 002: Stormwater runoff from a proposed paved parking lot via sheet flow to a perimeter drain discharging to a deep sump catch basin for pre-treatment routed to an existing underground infiltration trench (36" perforated pipe set in a gravel bed) discharging up to the 100 year storm to groundwater contiguous to Potash Brook.
 - S/N 003: Stormwater Runoff from new and redeveloped Access Drives via gutter flow to nearest existing inlet on Airport Drive and discharging to Potash Brook treated via site balancing.
 - S/N 004: Stormwater Runoff from redeveloped access drive, discharging to an existing inlet connected to BTV's stormwater collection system and eventually discharging to Potash Brook treated via site balancing.
9. Wastes Permitted: Stormwater runoff from the above-named areas of the project herein after treatment as specified in the manner of discharge.
10. Volumes Permitted and Frequency of Discharge: Such volumes and frequency as required by the discharge specified in the Manner of Discharge above.
11. Approved Project Design: This project shall be constructed and operated in accordance with the following site plans and details prepared by Stantec. By reference, the following plans are made a part of this permit:
 - Sheet C-001 "Existing Conditions Site Plan", dated 6/12/2020, last revised 6/26/2020;
 - Sheet C-002 "Proposed Conditions Site Plan", dated 6/12/2020, last revised 6/26/2020;
 - Sheet C-003 "Annotated Maintenance Plan", dated 6/12/2020, last revised 6/26/2020;
 - Sheet C-101 "Index, Legend and Notes", dated 6/12/2020, last revised 6/26/2020;
 - Sheet C-102 "Existing Conditions and Demo Plan", dated 6/12/2020, last revised 6/26/2020;
 - Sheet C-103 "Site Layout, Grading and Drainage Plan", dated 6/12/2020, last revised 6/26/2020;
 - Sheet C-105 "Drainage Details", dated 6/12/2020, last revised 6/26/2020;
 - Sheet C-110 "EPSC Plan", dated 6/12/2020, last revised 6/26/2020;
 - Sheet C-112 "EPSC Notes and Details", dated 6/12/2020, last revised 6/26/2020;
 - Sheet L200 "Landscape Details, dated 03/20/2020 (By Wagner Hodgson Landscape Architecture);
 - Sheet DR-1 "Overall Drainage Plan", dated 08/24/2020;and all supporting information.
12. Inspection and Maintenance Reporting Requirements:
 - a. The 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 15th of each year.**

- b. Any sediment removed from the 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 electronically to the DEC – Watershed Management Division, Stormwater Program at:**

<https://anronline.vermont.gov>

- i. Unless previously submitted by the permittee(s) under a previously issued authorization or discharge permit, the first report submitted after construction completion shall also be submitted with a Designer's Initial Statement of Compliance that the project was built in compliance with the Approved Project Design outlined above at <https://anronline.vermont.gov>.


13. Secretary's Determination: The Secretary has determined that this project meets the requirements of the Agency's 2017 Stormwater Management Manual. The Secretary has determined that the proposed discharge will not reduce the quality of the receiving waters below the classification established for them.
14. Personnel and Training Requirements: Such personnel and training as necessary to fulfill the requirements of the Inspection and Maintenance Reporting above.
15. Monitoring and Reporting Requirement: No monitoring required; reporting requirement as specified in the Inspection and Maintenance Reporting above.
16. 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.
17. Compliance with Anti-degradation and Water Quality Standards: The Secretary has determined that the permitted discharges satisfy Vermont's Anti-degradation Policy provided in Section 1-03 of the Vermont Water Quality Standards and the Department of Environmental Conservation's Interim Anti-degradation Implementation Procedure because the applicant has demonstrated how the proposed development will implement practices and offset projects as necessary to ensure water quality is maintained in receiving waters. In particular, the applicant has demonstrated how the proposed development will implement appropriate best management practices (BMPs) designed in accordance with the requirements of the Vermont Stormwater Management Manual and as necessary offset projects in accordance with Chapter 22: Stormwater Permitting Rule. These BMPs and offset projects where necessary will manage and mitigate the proposed stormwater discharge from the project such that no lowering of water quality is expected to occur in the receiving waters.
18. Right to Appeal:
- (A) Pursuant to 10 V.S.A. Chapter 220, any appeal of this permit, except for appeal of a renewable energy plant as described in (B), must be filed with the clerk of the Environmental Division of the Superior 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 Division; and must be signed by the appellant or the appellant's 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.

(B) If this permit 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 Utility Commission 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 Utility Commission within 30 days of the date of this decision; the appellant must file with the clerk an original and six copies of its appeal. The appellant shall provide notice of the filing of an appeal in accordance with 10 V.S.A. § 8504(c)(2) and shall also serve a copy of the notice of appeal on the Vermont Public Service Department. For further information, see the Rules and General Orders of the Public Utility Commission.

19. Effective Date and Expiration Date of this Authorization: This authorization to discharge shall become effective on September 28, 2020 and shall expire on September 27, 2025.

Dated September 28, 2020

Peter Walke, Commissioner
Department of Environmental Conservation



By: _____
Padraic Monks, Program Manager
Stormwater Management Program



VERMONT DEPARTMENT OF
ENVIRONMENTAL CONSERVATION
WATERSHED
MANAGEMENT DIVISION
STORMWATER PROGRAM

**Town Recording of Permit Issued
FOR STORMWATER DISCHARGE PERMIT BY
THE VERMONT DEPARTMENT OF
ENVIRONMENTAL CONSERVATION**

Notice is hereby given that the Vermont Department of Environmental Conservation gives authorization to discharge pursuant to a general stormwater discharge permit that has been issued to Permittee(s) named herein for the discharge of stormwater runoff for the property identified below from impervious surfaces (e.g. roadways, rooftops, parking lots, walkways) pursuant to 10 V.S.A. 1264. The authorization requires treatment and control of stormwater runoff, long-term maintenance of the treatment and control structures and payment of yearly operational fees.

Permittee(s): **Burlington International Airport and BETA AIR, LLC**

Permit/Authorization Number: **3028-INDS.10**

911 Address of Property: **1150 Airport Drive, South Burlington**

Name of association (if applicable): _____
(condominium, subdivision, or planned community)

Printed Name of Permittee or Authorized Representative: _____

Signature of Permittee or Authorized Representative: _____ Date: _____

FOR TOWN CLERK USE ONLY:

Recorded under Book: _____ Page: _____

Date Recorded with Town: _____ Signature / Stamp: _____

Recording information for Municipal Clerks - please index this document listing the State of Vermont, Department of Environmental Conservation as "Grantee," and listing the above-named Permittee(s) as "Grantor(s)." Additionally, if this notice lists the name of a condominium, subdivision, or planned community association, please list the named association as an additional "Grantor."

**Please upload this completed form to ANR Online by visiting the following link
<https://anronline.vermont.gov>**

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BURLINGTON INTERNATIONAL AIRPORT

**Annual Report for General Permit
3-9014 (MS4)
including
Annual Reporting Summary for
MS4-Incorporated Operational
Stormwater Discharge Permits**

April 1, 2021

Appendix H

**Pollution Prevention and Good Housekeeping (MCM #6) Field
Inspection Maintenance Recommendations**

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Tasks to be performed as recommended maintenance tasks are shown in the tables below. As there are two distinct zones within the airport, the area inside the security fence and the area outside the security fence, the tables have been color coded to further define their positions on the airfield. Tasks in a **blue box** are for inside the security fence and those in a **green box** are located outside the security fence.

As part of the May/June 2020 inspections, Stantec reviewed the status of maintenance recommendations made during the 2019 stormwater systems inspections. While BTV Maintenance staff were able to complete many of the 2019 maintenance recommendations, those items that were not completed are noted in the Summary of Maintenance Recommendations for 2020 as ‘Pending’ with a revised anticipated completion date.

Some of the recommended maintenance items are currently inside construction zones, most particularly, the Consolidated Car Rental QTA Facility located beyond the northerly end of the terminal building and the FAA Air Traffic Control Facility. Much of the existing carwash area has been excavated and construction begun on the new buildings and other underground infrastructure. In other locations within the general area, parking areas have been reconfigured and construction demarcation fences have been put up. Some of the items in the recommendations are within these zones, some structures listed may be removed or replaced, and new drainage structures may be added. Once construction is complete, a new assessment will be required to verify the work listed for these areas.

Items shown in the boxes below with a strike-through (~~S1.003.3.1~~) have been completed during the past warm weather season, items still open are shown without a strike-through are scheduled for the upcoming 2021 construction season.

FROM THE STORMWATER PERMIT ANNUAL INSPECTION, MAY 2020	ANTICIPATED COMPLETION DATE
SEDIMENT ISSUES: remove sediment from the following:	
S1.036a, southerly leg of main air carrier apron trench drain	2020

FROM THE UIC ANNUAL INSPECTION, MAY 2020	ANTICIPATED COMPLETION DATE
SEDIMENT ISSUES: remove sediment from the following:	
S1.029, main air carrier apron trench drain	2020
S1.031.0, main air carrier apron trench drain	2020
S1.021.3, west of Golf, south of Hotel.	2020

FROM THE STORMWATER PERMIT ANNUAL INSPECTION, MAY 2020	ANTICIPATED COMPLETION DATE
SEDIMENT ISSUES: remove sediment from the following:	
- S1.064.0, on Terminal Loop Road, short term garage entrance	2020
- S1.042.2, employee and long term parking lot	2020
- S1.047.2.2, inside car wash area. New construction not yet inspected.	2021
- S1.047.6.1, next to FAA Compound, inside car wash area	2020

FROM THE STORMWATER PERMIT ANNUAL INSPECTION, MAY 2020	ANTICIPATED COMPLETION DATE
VEGETATION, DEBRIS, OR TRASH ISSUES	
-S2.027.7, south end passenger ramp, clean up around grate	2020
-S4.011.3, North of Charlie, West of Kilo, clean up around grate.	2020

FROM THE UIC ANNUAL INSPECTION, MAY 2020	ANTICIPATED COMPLETION DATE
VEGETATION, DEBRIS, OR TRASH ISSUES	
-S1.031.2, trench at doorway into Gate 11, passenger ramp	2020

FROM THE STORMWATER PERMIT ANNUAL INSPECTION, MAY 2020	ANTICIPATED COMPLETION DATE
VEGETATION, DEBRIS, OR TRASH ISSUES	
- S1.041.3, employee and long term parking lot: remove dirt and leaves	2020
- S3.005, outlet easterly side of Aviatron near Aviatron Ave., remove debris	2020
- S3.040, in bowl near Flight Academy, Valley Road, remove trash Not completed	2021
- S3.032, at driveway, north side Valley Road near Williston Road, clean out vegetation	2020
- S3.038, culvert near driveway to Flight Academy next to fence, mostly buried, clean out debris	2020

FROM THE STORMWATER PERMIT ANNUAL INSPECTION, MAY 2020	ANTICIPATED COMPLETION DATE
GRADING AND SINKHOLE ISSUES	
-S1.003.1, north of Golf, west of north overrun, sink hole	2020
-S1.004.5.2, north of Golf, sinkhole west edge of grate	
-S4.004.1, outlet south of south overrun, west of DMH S4.004.0, sinkholes. Consult with engineering firm to investigate issue and design required inlet protection.	
-S4.012.1 north of Charlie, east of Kilo, sinkhole	
-S4.013.1, south of Bravo, east of Kilo, sinkhole at south end of swale	

FROM THE STORMWATER PERMIT ANNUAL INSPECTION, MAY 2020	ANTICIPATED COMPLETION DATE
GRADING AND SINKHOLE ISSUES	
-S1.001 on Airport Drive beyond fence, sinkholes	2020

The structures in the following table could not be opened with traditional means during the annual inspection due to issues at the frames and covers. Once the grates have been made removable again, the structures can be opened and photographed and added to the VEOCI database.

FROM THE UIC ANNUAL INSPECTION, MAY 2020	ANTICIPATED COMPLETION DATE
ACCESS ISSUES	
OPEN STRUCTURE, NO “FISH DISK” NEEDED - S1.025.2.1, northerly end of Main Apron, remove slotted screws and leave out - S3.010.7.1, on Valley West Apron near trench drain, can't open, paved over	2020

Structures with open grates located outside the security fence shall have a “Fish Disk” to notify the public that the structure is connected to a system that flows to an open waterway such as the Winooski River, and no dumping of materials is allowed into the structure. Most structures listed below could not be opened with traditional means.

Open the structure by lifting the grate, install a fish disk, replace the grate into its frame. Once the grates have been made removable again, the structures can be opened and photographed and added to the VEOCI database.

FROM THE STORMWATER PERMIT ANNUAL INSPECTION, MAY 2020	ANTICIPATED COMPLETION DATE
ACCESS ISSUES, INCLUDES SOME “FISH DISK” INSTALLATIONS	
OPEN STRUCTURE, NO “FISH DISK” NEEDED - S1.041.3, employee and long term parking lot, need to open - S1.050.3, inside carwash area, need to open - S1.053.1, FAA Compound, side yard, need to open, covered with pile of dirt - S1.058.0, Airport Loop Road, need to open - S3.009.6.1, between ASH and Heritage in street, need to open - S3.029.1, between 3060 Valley Road and BETA, open, can't open...grate paved - S6.017, west side National Guard Avenue, need to open paved over grate	2021 2021
OPEN STRUCTURE, INSTALL “FISH DISK” BEFORE CLOSING -S3.009.6.2, between ASH and Heritage in street, separate frame & grate, fix rim, install fish disk	
INSTALL “FISH DISK” - S1.060.0 Terminal Loop Road, install fish disk Couldn't open cover - S1.061.2, Airport Loop Road, just south of southerly skywalk, install fish disk - S3.009.6.3, between ASH and Heritage in street, install fish disk	2021

FROM THE STORMWATER PERMIT ANNUAL INSPECTION, MAY 2020	ANTICIPATED COMPLETION DATE
MISCELLANEOUS ISSUES:	
- CULVERT ISSUE: Remove sediment and trash from S1.071 and S1.072 inside the rental carwash area. New construction not yet inspected.	2021
- VEGETATION ISSUES: S3.018.0, S3.019.0, remove debris from behind screen at basin inlet. New construction not yet inspected.	2021

BURLINGTON INTERNATIONAL AIRPORT

**Annual Report for General Permit
3-9014 (MS4)
Including Annual Reporting
Summary for MS4-
Incorporated Operational
Stormwater Discharge
Permits**

APRIL 1, 2021

Appendix I

ANNUAL FLOW RESTORATION PLAN (FRP) REPORT

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April 1, 2021
Christy Witters, AICP, MS4 and MSGP Program Coordinator

Reference:
Burlington International Airport (BTV)
General Permit 3-9014 (2018) MS4
Annual Flow Restoration Report for Permit No. 7021-9014.A2R

Attention: Christy Witters, AICP, MS4 and MSGP Program Coordinator
Vermont DEC – Watershed Management Division
Stormwater Management Program
One National Life Drive, Main 2
Montpelier, VT 05620-3522

Dear Christy,

On behalf of the City of Burlington, Burlington International Airport (BTV), this report shall serve as BTV's Annual Flow Restoration Plan (FRP) Report for Permit No. 7021-9014.A2R [reference Municipal Separate Storm Sewer System (MS4) General Permit 3-9014 (2018)]. This annual report details BTV's development and implementation progress of the FRP from April 1, 2020 through April 1, 2021. The report includes a status update on BTV's FRP, Flow Monitoring Program, and incorporation of expired permits.

Prior to the reporting period, BTV was previously covered under the General Permit 3-9014 (2012) MS4 as issued on December 5, 2012. However, General Permit 3-9014 (2018) MS4 was re-authorized on July 27, 2018. Subsequently, BTV submitted a Notice of Intent (NOI) along with an updated Stormwater Management Program (SWMP) for VT. DEC review and approval on January 23, 2019. BTV was issued Permit No. 7021-9014.A2R on April 30, 2019.

It is important to note that once issued on April 30, 2019, the FRP reporting requirement changed from semi-annual to annual. As such, BTV will continue to submit FRP reports annually on or before April 1 of each year through the expiration of the permit.

The original text from BTV's FRP prepared by Stantec as submitted to Vermont DEC on September 30, 2016 and as revised on May 5, 2017 is included below in *italics* with status updates noted in a **bold** font.

INTRODUCTION

BTV has five outfalls that discharge to Potash Brook, a stormwater impaired water with an approved Total Maximum Daily Load (TMDL). The outfalls discharge to a Class 2 wetland that is contiguous to Potash Brook. In addition, BTV has one non-point source discharge to Centennial Brook, another stormwater impaired water with an approved TMDL. As such, BTV is responsible for development and implementation of an FRP for the portions of the Potash Brook and Centennial Brook watersheds within its boundaries. MS4 communities that discharge into the

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same stormwater impaired watershed may elect to cooperate to develop a single FRP for the watershed. To that end, BTV is collaborating with the City of South Burlington on these FRPs.

FLOW RESTORATION PLAN

The City of South Burlington has developed an FRP for the Potash Brook watershed. The Potash Brook FRP will become part of the Stormwater Management Plans (SWMPs) prepared by the MS4 permittees in the Potash Brook watershed, including the City of South Burlington, the Vermont Agency of Transportation (VTrans), the City of Burlington, the University of Vermont (UVM), and BTV. The Potash Brook FRP will act as a guidance document for the MS4 entities as they implement the stormwater Best Management Practices (BMPs) necessary to attain the flow restoration targets established by the Potash Brook TMDL. The Potash Brook TMDL was approved by the U.S. Environmental Protection Agency (EPA) on December 19, 2006. The TMDL suggests an 11.2% increase in stream flow during low flow conditions, and requires a 16.5% reduction in stream flow during high flow conditions (established as the 1-year storm event).

The City of South Burlington has also developed an FRP for the Centennial Brook watershed, which will act as a guidance document for the MS4 entities as they implement the stormwater BMPs necessary to attain the flow restoration targets established by the Centennial Brook TMDL. The Centennial Brook TMDL was approved by the U.S. EPA on September 28, 2007. This TMDL suggests a 23.2% increase in stream flow during low flow conditions, and requires a 63.4% reduction in stream flow during high flow conditions (established as the 1-year storm event). The Chittenden County Regional Planning Commission (CCRPC) completed a study in July, 2013 to estimate the expected non-jurisdictional impervious area future growth in the Centennial Brook watershed over the next 20 years. The CCRPC study resulted in a reduction of the high flow target from 63.4% to 51.6%, and this is the target used in the City of South Burlington's Centennial Brook FRP.

In accordance with the requirements in the MS4 General Permit, the FRP for discharges to impaired waters with an approved TMDL (Potash Brook and Centennial Brook) contain the following elements:

- *Identification of Required Controls*
- *Design and Construction Schedule*
- *Financial Plan*
- *Regulatory Analysis*
- *Identification of Regulatory Assistance*
- *Third-Party Implementation*

April 1, 2021 FRP Status Update:

Reference:
 Burlington International Airport (BTV)
 General Permit 3-9014 (2018) MS4
 Annual Flow Restoration Report for Permit No. 7021-9014.A2R

A. Background and Permit Information

As noted above, BTV was issued Permit No. 7021-9014.A2R on April 30, 2019, and as a result, BTV’s FRP reporting requirement changed from semi-annual to annual.

BTV currently has four (4) stormwater permits that are not incorporated into the MS4:

3028-9015.4 (dated August 29, 2019)	BTV Hotel
3028-INDS.8 (dated April 28, 2020)	Heritage Flight Hangar Addition
3028-INDS.9 (dated June 9, 2020)	Remain Overnight Apron (Phase 7)
3028-INDS.10 (dated September 28, 2020)	BETA Hangar Site

When General Permit 3-9014 (2018) MS4 was re-authorized on July 27, 2018, three previously authorized State Stormwater Discharge Permits were incorporated into BTV’s MS4:

3028-9015.3	Taxiway 'B' Extension
3028-INDS.6A	Parallel Taxiway ‘G’, Phase 2
3028-INDS.7	VT ANG Taxiway ‘F’ Widening and a portion of Reconstruct, Mark, and Groove Runway 15-33

Permit No. 7021-9014.A2R now includes the above listed previously authorized State Stormwater Permits and the following, previously incorporated State Stormwater Permits:

3028-9010.A	3028-9010.2	3028-INDS.AR
3028-INDS.4	3028-9015.1	3028-INDS.3
3028-9015.2	3845-9010	3845-9015.1
1-0839 (Formerly Expired)	1-1391 (Formerly Expired)	

Reference:
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It is noted that Stormwater Discharge Permit No. 3028-9010.1 was terminated and not incorporated into the MS4 permit as the impervious areas covered under that permit were previously reauthorized under Permit Nos. 3028-INDS.5 and 3028-INDS.7.

See FRP Attachment #1 for a current stormwater discharge permit summary.

B. Proposed BMP's

The City of South Burlington has identified three (3) BMPs in the Centennial Brook FRP which drains to the Winooski River and ultimately the Main Lake segment of Lake Champlain and one (1) BMP for the Potash Brook FRP which drains into the LaPlatte River and ultimately the Shelburne Bay segment of Lake Champlain.

Centennial Brook FRP:

- **South Burlington ID CB0023/Retrofit #25: The Picard Circle Infiltration Gallery was completed in August 2019. The April 1, 2020 FRP Report has further details on construction.**
- **South Burlington ID CB0008/Retrofit #21: The Dumont Avenue Infiltration Gallery is proposed within a house lot along the north side of Dumont Avenue that was acquired by BTV where houses were removed in 2018 and 2019.**

Currently, there is untreated stormwater runoff generated from a 3.96 acre residential drainage area (including 0.86 acres of impervious surface) that discharges directly into a wetland which is the headwaters of the impaired Centennial Brook. Existing conditions for stormwater include catch basins and conveyance of runoff via underground piping along Maryland Avenue, Delaware Avenue, and Dumont Avenue.

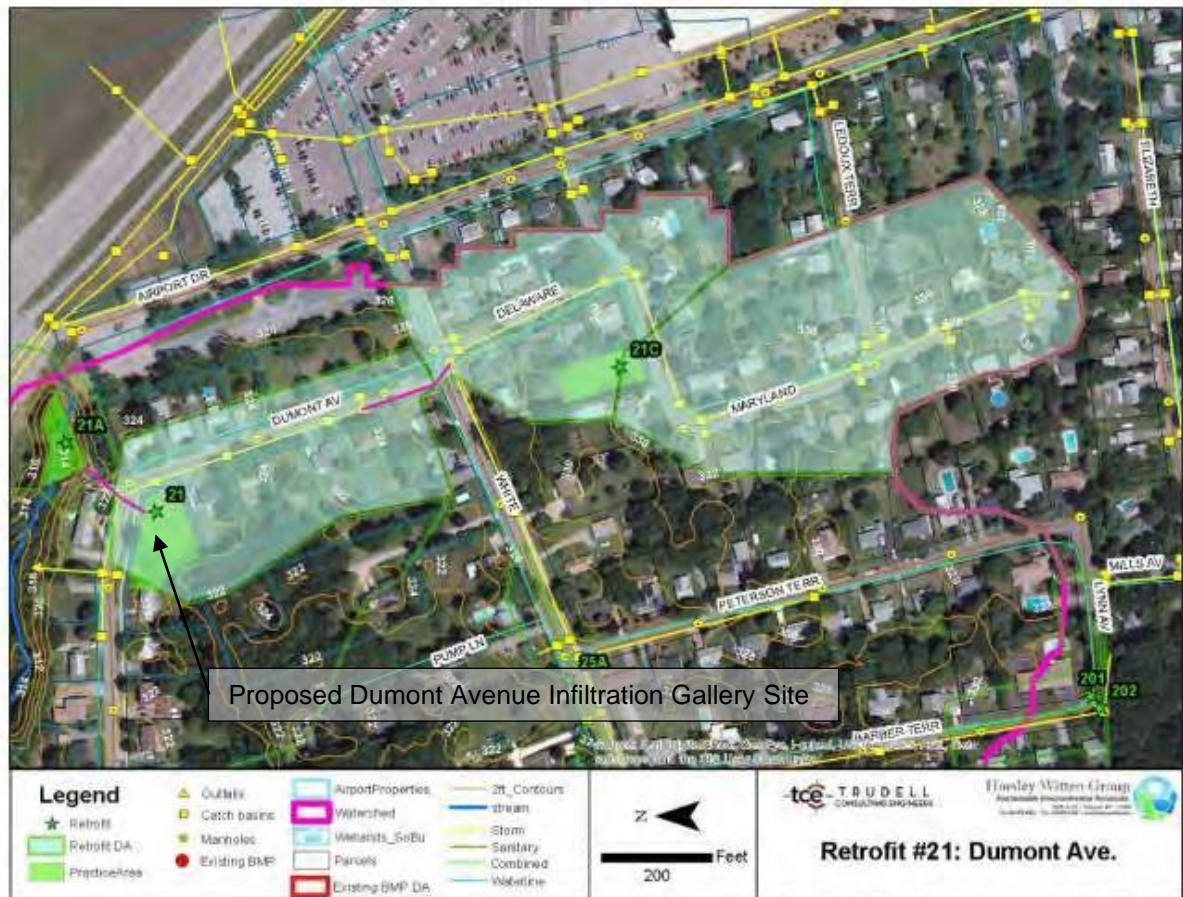
The proposed project includes the design and construction of a new stormwater infiltration gallery to be sited on a single parcel of land that is currently owned and controlled by BTV. Overflow discharge from the infiltration gallery is proposed to be to an existing stormwater detention basin located on the northerly side of Dumont Avenue and on the 'air side' of the airport facility. The existing stormwater detention basin represents the headwater of the Centennial Brook. Based on HydroCAD modeling conducted by the City of South Burlington's consultant, the project is designed to infiltrate a volume of 0.05 acre-feet.

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Construction of the Dumont Avenue Infiltration Gallery was originally scheduled by the City of South Burlington for 2020 as presented in the BTV's final FRP dated May 5, 2017. Discussions are on-going for cost sharing with the City of South Burlington for the Dumont Avenue Infiltration Gallery, and include land use of the proposed parcel which is owned by BTV.

On March 9, 2021 there was a meeting with representatives from BTV and the City of South Burlington. The City of South Burlington has gained all necessary funding for the Airport Rd/Airport Dr BMP and plans to move forward with that before they continue with Dumont Ave. The scope of the Dumont Ave project may change in the future depending on other surrounding stormwater BMPs. Discussions will continue in the future and there is not a date set in stone for construction of this BMP.

A location plan and site drainage area as prepared by the City of South Burlington's design consultant is presented below.



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Proposed Dumont Avenue Infiltration Gallery Location Plan and Site Drainage Area

Existing condition photographs of the proposed Dumont Avenue site and BTV's existing stormwater detention basin are presented below. Photo provided by Stantec in their April 1, 2020 FRP Annual Report.

- **South Burlington ID CB0018/Retrofit#200**, North Henry Court Infiltration Gallery has a potential construction date for 2032 as noted in BTV's SWMP. The scope of this project could change in the future and depends on surrounding stormwater BMP projects. Discussions on March 9, 2021 included the idea of removing pavement there and will continue in the future.

Potash Brook FRP:

- **South Burlington ID PB0009**: The Airport Drive and Airport Rd Infiltration Gallery will be located in the southernmost lot where houses will be removed. An intercept stormline will run south down Airport Drive. There is a memorandum dated March 8, 2021 that states South Burlington will be covering the cost of the project as well as maintenance for 25 years but the property is still owned by BTV. The City of South Burlington has gained full funding from a VTrans grant. They plan to put the project out for a design bid spring of 2021 with construction following in 2022 or 2023.



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Proposed Airport Drive Infiltration System location and site plan (photo provided by the City of South Burlington)



Airport Dr existing site photo drilling test pits (photo provided by the City of South Burlington)

C. Flow Monitoring Program

In September of 2015, VTDEC received bids from three independent contractors/consultants to perform a joint MS4 flow monitoring program. Under the proposed flow monitoring program,

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eleven stream gauge stations will be established and maintained for a period of three years with an option for two additional years. After bid review by DEC and selected MS4 community representatives, Stone Environmental, Inc., of Montpelier, Vermont was selected as the primary consultant for establishing and maintaining the stream gauge stations.

During review of the bids, several cost allocation formulas for covering the cost of the flow monitoring program were circulated and reviewed amongst all MS4 communities. A proposed formula was subsequently agreed upon by all MS4 communities, including BTV.

A draft Memorandum of Agreement (MOA) between VTDEC and the MS4 communities, including proposed cost allocations, was circulated to MS4 communities in November, 2015 for review. The final MOA was subsequently issued for public notice beginning on November 17, 2015, and extending through December 17, 2015. No external comments were received during the public notice period. The final MOA was distributed to MS4 community members for approval and signature on February 22, 2016.

The final cost sharing for BTV includes \$3,623 for Year 2017, \$2,805 for Year 2018, \$2,796 for Year 2019, \$2,087 for Year 2020, and \$2,140 for Year 2021. The fees will begin for Fiscal Year 2017 with invoices to be sent out to individual MS4 communities on July 1, 2016. Invoices will be due May 1, 2017.

April 1, 2020 Status Update:

BTV is cooperatively pursuing an MS4 precipitation and streamflow monitoring program with Chittenden County's other MS4 entities in compliance with NPDES General Permit 3-9014, Section IV. C. 1. (e) (7). This group has approved a Memorandum of Agreement (MOU) with Stone Environmental, Inc. to install, maintain, and collect data, and report for all flow monitoring stations to obtain compliance with the flow monitoring requirements of their MS4 permits. Under the flow monitoring program, eleven stream gauge stations have been established and will be maintained for a period of three years with an option for two additional years. Streamflow monitoring stations have been installed on Allen, Bartlett, Centennial, Englesby, Indian, Morehouse, Monroe, Potash, Rugg, Stevens, and Sunderland Brooks.

Establishment and maintenance of the stream gauge stations began in 2016. Each streamflow monitoring station collects data at five-minute intervals, and the gaging data is available for review on a website: <http://vt-ms4-flow.stone-env.com/FlowDev/index.html>. The data generated by the monitoring program will be used to compute flow duration curves of measured streamflows, which will be compared to the flow duration curves used to establish the TMDL targets.

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The website is actively collecting data, but summary data has not yet been completed.

Currently, daily stream flow data for Potash Brook and Centennial Brook, including stream gauge data, are available on the website for all of 2017, 2018, 2019, and through April 1, 2021. Rain gauge data is not available for Potash Brook and Centennial Brook.

Daily average watershed precipitation and daily mean discharge data are available for all of 2017, 2018, 2019, and 2020. Each year has a link to an excel sheet with a 5-minute data. Stream Monitoring will not continue past December 2021.

Project Reports and Data

Annual Reports: [2017](#) [2018](#) [2019](#)

Stream Stage Data (5-minute) ¹

Key to Stream Stage Flags

Allen Brook:	2017	2018	2019	2020
Bartlett Brook:	2017	2018	2019	2020
Centennial Brook:	2017	2018	2019	2020
Englesby Brook:	2017	2018	2019	2020
Indian Brook:	2017	2018	2019	2020
Morehouse Brook:	2017	2018	2019	2020
Munroe Brook:	2017	2018	2019	2020
Potash Brook:	2017	2018	2019	2020
Rugg Brook:	2017	2018	2019	2020
Stevens Brook:	2017	2018	2019	2020
Sunderland Brook:	2017	2018	2019	2020

Precipitation Data (5-minute totals) ²

Key to Precipitation Flags

Allen Brook:	2017	2018	2019	2020
WillVil (Allen Brook):	2017	2018	2019	2020
Nowland (Bartlett Brook):	2017	2018	2019	2020
Englesby Brook:	2017	2018	2019	2020
Essex JCT (Indian Brook):	2017	2018	2019	2020
Morehouse Brook:	2017	2018	2019	2020
Boulder Hill (Munroe Brook):	2017	2018	2019	2020
Rugg Brook:	2017	2018	2019	2020
St. Albans (Stevens Brook):	2017	2018	2019	2020
Sunderland Brook:	2017	2018	2019	2020

Watershed Mean Daily Precipitation ³

[2017](#)

[2018](#)

[2019](#)

Daily Mean Discharge ⁴

Key to Daily Mean Discharge Flags

[2017](#)

[2018](#)

[2019](#)

Notes:

1. 5-minute average stage data. During periods with channel ice, when discharge is estimated at a daily time scale, these 5-minute data are not corrected. Refer to the key for an explanation of data flags. All data are final except for 2019, as some records may change during the generation of 2019 daily mean discharge.
2. Final 5-minute precipitation totals at tipping bucket rain gauges. During winter, these data include a variable mixture of rainfall and melting snow and ice. Refer to the key for an explanation of data flags.
3. Final 24-hour watershed average precipitation totals by "PRISM Day" (7:00 AM – 7:00 AM).
4. "Nearly final" daily mean discharge values at each gauging station. These data will be reprocessed in 2020 using updated ratings. During periods with channel ice, daily discharge data are estimated from reference stations. Refer to the key for an explanation of data flags.

D. Status of Expired Permits

On September 30, 2015, BTV formally requested incorporation of BTV's two (2) expired operational stormwater discharge permits (Permit Nos. 1-0839 and 1-1391) into BTV's General Permit 3-9014 (2012) MS4 authorization per subsection IV., C., 1.,c), (3), Schedule of Compliance, Month 24.

April 1, 2021
Christy Witters, AICP, MS4 and MSGP Program Coordinator

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As part of this submittal, BTV submitted a Notice of Intent (NOI) for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4) General Permit 3-9014, Initial Designer's Statement of Compliance for Permit Nos. 1-0839 and 1-1391, revisions to Volume 1 of BTV's SWMP, and the application fee. The fee was subsequently refunded as VTDEC determined that incorporation of an operational permit by the MS4 does not constitute a "change in activities."

Stormwater system evaluations for both expired permit systems as prepared by Stantec Consulting Services, Inc., for the South Burlington Stormwater Utility and as documented in the BTV Stormwater Utility Credit Analysis dated February 22, 2013 were also submitted for VTDEC review.

VTDEC review and MS4 permit amendment were pending authorization of the Lake Champlain TMDL by U.S. EPA. On June 17, 2016, EPA established new phosphorus TMDLs for the twelve Vermont segments of Lake Champlain. VTDEC made the following comment during review:

"The compliance schedule in the 2012 MS4 permit includes a requirement that expired state stormwater permits be addressed. Permits may be addressed either by incorporation into your MS4 General Permit authorization, provided the systems are verified as being in compliance with the most recent expired permit, or by requesting that they be issued a permit under DEC's authority. The airport has chosen to incorporate both active expired permits, 1-0839 and 1-1391, and the majority of the currently issued permits into their MS4."

April 1, 2020 Status Update:

No updates on expired permits.

There are no further FRP updates to report at this time.

Should you have any questions, or require further information, please do not hesitate to contact us.

Regards,

Heidi Miller, Civil and Environmental Engineer
EIV Technical Services
106 E Allen St #506
Winooski, VT 05404

cc: Larry Lackey (BTV Director of Engineering and Environmental Compliance)
Jacqueline Dagesse, MBA, CPESC (EIV)

FRP Attachment #1

Revised April 1, 2021

Burlington International Airport Operational Stormwater Discharge Permit Summary					
Current Permit Number	Description	Issued	Expires	Permit was Incorporated into MS4 GP on 12/22/17	Permit was Incorporated into MS4 GP on 04/30/19
1 3028-9010.A	BTV's Master Permit (Outfalls S/N 001 through S/N 009)	12/22/2009	12/22/2019	Yes	
2 1-1391	South Apron Expansion (Vortechs unit)	12/9/1999	9/30/2004	Yes	
3 1-0839	Redirect Airfield Drainage to North Outfall	6/11/1990	3/31/1995	Yes	
4 3028-9010.2	Reconstruct TW B & C; Relocate TW J; Construct TW G (Muddy Brook discharge)	11/5/2015	11/5/2025	Yes	
5 3028-INDS.AR	Reconstruct TW B & C; Relocate TW J; Construct TW G (Potash Brook discharge)	12/4/2015	12/4/2020	Yes	
6 3028-9010.1	Reconstruct Mark & Groove Runway 15-33 See Note below for S/N coverage.	8/13/2015	8/13/2025	Terminated	
7 3845-9010	Heritage Flight Aviation Campus Expansion	8/13/2015	8/13/2025	Yes	
8 3028-9015.1	Quarry Area Access Road	11/20/2012	11/20/2022	Yes	
9 3028-INDS.3	Aircraft Sewage Receiving Station	9/4/2013	9/4/2018	Yes	
10 3028-9015.2	Construct, Mark and Light Taxiway "G"/"K"	5/27/2015	5/27/2025	Yes	
11 3845-9015.1	Heritage Aviation Parking Lot	8/25/2015	8/25/2025	Yes	
12 3028-INDS.4	BTV Consolidated Car Rental Facility	7/19/2016	7/19/2021	Yes	
13 3028-9015.3	Taxiway 'B' Extension	10/24/2016	10/24/2021	No	Yes
14 3028-INDS.6 A	Parallel Taxiway 'G', Phase 2	3/26/2019	3/25/2024	No	Yes
15 3028-INDS.7	VT ANG Taxiway 'F' Widening and a portion of Reconstruct, Mark, and Groove Runway 15-33	3/22/2017	3/22/2022	No	Yes
16 3028-9015.4	BTV Hotel	8/29/2019	8/28/2024	No	No
3028-INDS.8	Heritage Flight Hangar Addition	4/28/2020	4/27/2025	No	No
3028-INDS.9	Remain Overnight Apron (Phase 7)	6/9/2020	6/8/2025	No	No
3028-INDS.10	Beta Hangar Site	9/28/2020	9/27/2025	No	No

	Acquired in 2015
	Acquired in 2016
	Acquired in 2017
	Acquired in 2018
	Acquired in 2019
	Acquired in 2020
	Incorporated into MS4 12/22/2017
	Incorporated into MS4 4/30/2019

NOTE: Upon issuance, S/N 001, 002, 004, 005, and 006 was covered under 3028-INDS.7 (VT ANG Taxiway 'F' Widening and a portion of Reconstruct, Mark, and Groove Runway 15-33),
and
S/N 003 was covered under 3028-INDS.5 (VT ANG Taxiway 'F' and 'D' Widening, North and South Arm Pad, Apron Repair Project, and a portion of Reconstruct, Mark, and Groove Runway 15-33).

As a result, Permit 3028-9010.1 (Reconstruct, Mark, and Groove Runway 15-33) was terminated.