

2021 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)

Submitted April 1, 2022

Prepared for:



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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. This report submitted April 1, 2022 outlines all work completed in the 2021 calendar year.

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 (FRP), 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) 2021 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 2021 reporting year, BTV was subject to two 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 in 2017**
- Permit No. 1-1391 (South Apron Expansion) – **Incorporated into MS4 in 2017**
- Permit No. 1-0839 (Redirect Airfield Drainage to North Outfall) – **Incorporated into MS4 in 2017**
- Permit Nos. 3028-9010.2 (Taxiways 'B', 'C', 'J', and 'G'); Muddy Brook watershed – **Incorporated into MS4 in 2017**
- Permit No. 3028-INDS.AR (Taxiways 'B', 'C', 'J', and 'G'); Potash Brook watershed - **Incorporated into MS4 in 2017**
- ~~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 in 2017**
- Permit No. 3028-9015.1 (Quarry Area Access Road) - **Incorporated into MS4 in 2017**
- Permit No. 3028-INDS.3 (Aircraft Sewage Receiving Station) - **Incorporated into MS4 in 2017**
- Permit No. 3845-9015.1 (Heritage Aviation Parking Lot) - **Incorporated into MS4 in 2017**
- Permit No. 3028-9015.2 (Construct, Mark, and Light Taxiway 'G'/'K') – **Incorporated into MS4 in 2017**
- Permit No. 3028-INDS.4 (BTV Consolidated Car Rental Facility) - **Incorporated into MS4 in 2017**
- Permit No. 3028-9015.3 (Taxiway B Extension) – **Incorporated into MS4 in 2019**; Construction completed in 2021.
- Permit No. 3028-INDS.6A (Parallel Taxiway 'G', Phase 2) – **Incorporated into MS4 in 2019**; Construction completed in 2021.

- Permit No. 3028-INDS.7 (VT ANG Taxiway ‘F’ Widening and a portion of Reconstruct, Mark, and Groove Runway 15-33) – **Incorporated into MS4 in 2019, replaced by 3105-INDS.1**
- Permit No. 3028-9015.4 (BTV Hotel) – **Active; not constructed. Construction anticipated to commence in 2022.**
- 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 be completed in 2022.**
- Permit No. 3028-INDS.10 (BETA Hangar Site) - **Active; construction completed in 2021.**

New Operational Stormwater Discharge Permits issued during the 2021 reporting period include:

- Permit No. 3028-9050 (Taxiway K) – **Active, not constructed. Construction anticipated to commence in 2022.**
- Permit No. 3028-9050.1 (Terminal Integration) – **Active, not constructed. Construction anticipated to commence in 2022.**

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. EIV personnel performed these annual on-site inspections between May 14 and June 29, 2021. 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 2021 dated April 1, 2022.

MS4 Permit Nos. 1-1391 and 1-0839 require quarterly inspections to be performed. EIV personnel performed these quarterly on-site inspections on June 22, September 24, and December 16, 2021 and February 17, 2022.

MS4 Permit No. 3028-9015.1 requires semi-annual inspections to be performed. EIV personnel performed these semi-annual on-site inspections on May 14 and November 12, 2021.

MS4 Permit No. 3028-INDS.4 (BTV Consolidated Car Rental Facility) requires an annual inspection and report. This was completed by EIV personnel on May 26, 2021.

Permit No. 3028-INDS.7 (VT ANG Taxiway ‘F’ Widening and a portion of Reconstruct, Mark, and Groove Runway 15-33) requires an annual inspection and report. This was completed by EIV personnel on June 11, 2021.

MS4 Permit No. 3028-INDS.3 (Taxiway B Extension) requires an annual inspection and report. This was completed by EIV personnel on May 27, 2021.

MS4 Permit No. 3028-9050 (Taxiway K) has not been constructed and was not inspected during the 2021 reporting period.

MS4 Permit no. 3028-9050.1 (Terminal Integration) has not been constructed and was not inspected during the 2021 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 active Operational Stormwater Discharge Permits noted below:

- Permit No. 3028-9015.4 (BTV Hotel, LLC) - **Has not been constructed to date and was not inspected during the 2021 reporting period.**
- Permit No. 3028-INDS.6A (Parallel Taxiway 'G', Phase 2) – **Incorporated into MS4 in 2019;**
- 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) - **was under construction, and was therefore not inspected during the 2021 reporting period.**
- Permit No. 3028-INDS.10 (BETA Hangar Site) - **Active; not constructed. Construction anticipated to commence in 2022.**



**Municipal Separate Storm Sewer System (MS4)
 2021 Annual Report**

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:

- Annual Report Workbook (.xlsx)
- 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
BETA Hangar Addition S/N 001 - S/N 004	1150 Airport Drive, South Burlington, VT 05403

Jason Waysville, PE	Environmental Engineer
_____ Name of Qualified Designer	_____ Title
 _____ Signature	3-22-22 _____ 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:

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.

Nic Longo	Acting Director of Aviation
_____ Print Name	_____ Title
 _____ Signature	3-23-22 _____ Date

**BURLINGTON INTERNATIONAL
AIRPORT**

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

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

April 1, 2022

Appendix A

BTV Annual Report Workbook

Burlington International Airport (BTV)
2021 MS4 Annual Report Workbook
Date: April 1, 2022

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.	The link to BTV's Stormwater website is as follows: https://www.btv.aero/about-btv/airport-development BTV's Master Plan website also highlights the airport's stormwater and environmental efforts. https://btvmasterplan.com/	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 2021 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 2021 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.	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.	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)
2021 MS4 Annual Report Workbook
Date: April 1, 2022**

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 April 2022. 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, 2022 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)
2021 MS4 Annual Report Workbook
Date: April 1, 2022

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 eleven active Individual Construction Stormwater Discharge Permits (INDC permits) for the following projects: 1) BTV Quarry Fill, Permit # 3028-INDC.7 (amended in 2021) 2) Taxiway 'G' Relocation, Phase 2, Permit # 3028-INDC.6 3) BTV Hotel, Permit # 3028-INDC.8 (Note this project has not been constructed to date) 4) BTV Housing Removals on Airport Acquired Land, Permit # 3028-INDC.A 5) Heritage Flight Hangar Addition, Permit # 3028-INDC.9 6) Remain Overnight Apron (Phase 7), Permit # 3028-INDC.10 7) BETA Hangar Addition, Permit # 3028-INDC.11 8) Terminal Integration, Permit # 3028-INDC.12 9) Rehab of Portions of the Terminal Apron Phases 3-9, Permit # 3028-INDC.13 10) Taxiway 'K' and Runway 1 Pape Relocation, Permit # 3028-INDC.14	See Appendix F for a copy of all 11 active INDC permits.	BTV will continue to apply for INDC permits for all proposed construction activities.	None.
	Number of permitted MS4 construction projects:		Nine of the above noted INDC projects are associated with an Operational Stormwater Discharge Permit (Permit # 3028-INDC.4, Permit # 3028-INDC.5, Permit # 3028-INDC.6, Permit # 3028-INDC.8, Permit # 3028-INDC.9, Permit # 3028-INDC.10, Permit # 3028-INDC.11, Permit # 3028-INDC.12, Permit # 3028-INDC.14).	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	Two operational Stormwater Discharge Permits were issued to BTV during the reporting period: • 3028-9050 Taxiway K • 3028-9050.1 Terminal Integration A Post-construction site inspection was completed in the reporting period for 2021 for the following projects: • All projects completed in 2021 have operational stormwater permits associated 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)
2021 MS4 Annual Report Workbook
Date: April 1, 2022**

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 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: 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.	N/A	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)
2021 MS4 Annual Report Workbook
Date: April 1, 2022**

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. EIV is preparing an updated presentation to give to staff in the 2022 calendar year.	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 2021 reporting period, BTV completed construction of the <i>BTV Consolidated Car Rental Facility</i> , Stormwater Discharge Permit No. 3028-INDS.4; Taxiway 'B' Extension, Permit No. 3028-9015.3; Parallel Taxiway 'G' Phase 2, Permit # 3028-INDS.6A. The Remain Overnight Apron (Phase 7) project is expected to be completed in early spring of 2022. VTANG completed construction of the <i>VT ANG Taxiway 'F' Widening and a portion of Reconstruct, Mark, and Groove Runway 15-33</i> project	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, Heritage Flight Hangar Addition, BETA Hangar Site, Taxiway K, and Terminal Integration during the 2022 construction season, reference Stormwater Discharge Permit No. 3028-9015.4. BTV anticipates completion of the Remain Overnight Apron (Phase 7) project	None.
	STPs incorporated into the MS4	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 intends to request further permits incorporated into the MS4 in the 2022 reporting period.	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.
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.

**Burlington International Airport (BTV)
2021 MS4 Annual Report Workbook
Date: April 1, 2022**

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?
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 partipated 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 2021 BTV contributed \$2140.
Estimated funds spent on stormwater management for the fiscal year*	\$122,000 - This number is expected to increase next year as multiple construction projects will be starting.
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)			

**Conversation with Travis Mott in February 2022: Street seeping 1x a week April - October (call it 6 months and 24 weeks), don't have specific data on this, lengths were measured in field

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%

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 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 2023. BTV and the City are currently in the process of making design changes and a final design is expected in 2022.</p>
Extent of BMP implementation	South Burlington Project ID CB0023, Retrofit #25, Picard Circle Infiltration Gallery is complete to date.	None.
Estimate of the extent of completion for remaining items	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.	The City of South Burlington expects a final design to be completed in 2022 and construction to take place in 2023.
Assessment of ability to meet outstanding schedule items	On-track.	On-track.

Stream Flow Monitoring | **Stream 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. Stone Environmental will be presenting the MS4 committee with final stream monitoring reports during the 2022 reporting period.</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>
Funds spent on stream flow monitoring in 2021	\$2,140.00		

This is taken from BTV's FRP as revised May 2017

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	Phosphorus Credit for Shelburne Bay Segment = 33.83 kg/yr Phosphorus Credit for Main Lake Segment = 122.87 kg/yr See Appendix B for BMP Tracking Table 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

**BURLINGTON INTERNATIONAL
AIRPORT**

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

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

April 1, 2022

Appendix B

**BTV Phosphorus Control Plan (PCP) Memo
and BMP Tracking Table**



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:

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

2b. Title:

3a. Mailing Address:

3b. Town:	3c. State:	3d. Zip:
-----------	------------	----------

4. Phone:	5. Email:
-----------	-----------

6. Municipal Office Latitude: ___ . _____ °N Longitude: - ___ . _____ °W

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

1. Name:

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.

Nic Longo
 Print Name

 Signature

Acting
 Director of Aviation
 Title
3-23-22
 Date

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



April 1, 2022

File: E2340

Christy Witters, AICP, MS4, and MSGP Program Coordinator

Reference:

Burlington International Airport (BTV)

General Permit 3-9014 (2018) MS4

Phosphorus Control Plan (PCP)

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

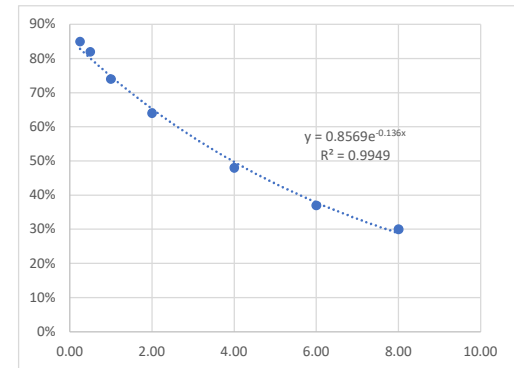


Cc: Larry Lackey (BTV Director of Engineering and Environmental Compliance)

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%

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

**BURLINGTON INTERNATIONAL
AIRPORT**

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

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

April 1, 2022

Appendix C

Public Education Outreach (MCM #1)

**Regional Stormwater Education (RSEP)
January-December 2021 Annual Report**

Minimum Control Measure #1:
Public Education & Outreach
REGIONAL STORMWATER EDUCATION PROGRAM
RETHINK RUNOFF

JANUARY–DECEMBER 2021
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 by Pluck (previously Tally Ho Design).

Pluck has been responsible for the creative, administration, and management of Rethink Runoff since late 2017.

This 2021 calendar year report recaps the work done primarily related to Minimum Control Measure #1. As in prior years, this work was developed through coordination with CCRPC and its MS4 subcommittee of the Clean Water Advisory Committee.

2021 Initiatives

In 2021, Pluck maintained existing creative for advertising, while introducing certain web initiatives and introducing social media in the 2021-2022 fiscal year, all for the purpose of continuing to drive residents to visit the program website, www.rethinkrunoff.org. We continued our Ms. Drop's Tip of the Month promoted animation as a way of providing monthly and seasonal topics related to stormwater runoff (*A on page 3.*)

We introduced HTML5 animations onto our What You Can Do interior pages on the website (*F on page 4*). These short, repeatable animations are based on our existing visual language and provide on-screen movement to web visitors.

We set up tracking onto the websites for conversions (or actions our visitors take while visiting the website). Our first conversion to be tracked was a downloadable pdf with instructions on How to Build a Rain Barrel. Rain Barrel workshops often book to capacity and are also restricted to residents by the host city or town, so including a downloadable pdf on the site allows us to measure of interest in visitors doing DIY stormwater-related projects.

During 2020-2021, we discussed our approach to rain gardens with the subcommittee. Rain gardens are inherently expensive to install, when compared with other initiatives, like installing rain barrels. With that in mind, we created a new downloadable pdf (*B on page 3*) identifying plants used in rain gardens that homeowners could use in their gardens, to help alleviate stormwater runoff. The overall strategy was to identify and include a low-cost options for homeowners, allowing them to take action to reduce stormwater runoff, thereby raising awareness.

In Fall 2021, we introduced Google Search ads to complement our Google Display ads and YouTube ads (*E on page 4*). Whereas Google Display ads are graphic-based ads served on websites based on content (i.e. fertilizer-related ads on a site about lawn care), Google Search are text-based ads shown in response to users' searches. In this way, we're able to provide a presence and a direct call to action. For example, we created a series of Search ads offering non-fertilizer-based lawn care ads designed to be seen when users searched for "fall lawn care tips" or related topics.

Starting in the fall of 2021, we also began to strengthen social media development as well as implementation of social media content. Our social media strategy focuses on Facebook and Instagram, our existing social media channels. Our work here complements the outreach efforts of MCM #2 effort, the Rethink Runoff Stream Team, administered by the Winooski Natural Resources Conservation District. Our overall strategy includes posting brand-related content, Lake Champlain news, general water pollution/clean water news (*C on page 3*), and Instagram-based engagement from Vermont residents (i.e. reposting Lake Champlain and Vermont waterways photography). In some cases, social media posts are promoted via ads, based on target MS4 audiences (*D on page 3*).

2021 Creative

A. SOCIAL MEDIA ANIMATIONS: SAMPLE VIDEOS

PICK UP YOUR DOG POOP!
Ms. Drop's Tip for June: Pick Up Your Dog Poop!
Now that the warm weather is back, please pick up your dog poop whenever you're with your four-legged friends.
10 comments · 6.7K views

ALGAE BLOOMS & LAKE CHAMPLAIN
Ms. Drop's Tip for July: Algae Blooms and Lake Champlain
Algae blooms, or cyanobacteria, appear in Lake Champlain each summer. Certain environmental conditions, like elevated levels of nutrients from...
2 · 0 comments · 7.7K views

REDIRECT YOUR DOWNSPOUTS
Ms. Drop's Tip for August: Redirect Your Downspouts
Looking for one more summer project before the fall?
Redirecting your downspouts is a great way to reduce stormwater runoff...
1 · 0 comments · 7.4K views

FALL GARDENING
Ms. Drop's Tip for September: Fall Gardening
Fall is an often overlooked time to garden. Bulbs and perennials are best planted in the fall. Take the time to plan your garden out now and save yourself the headache next mud season!...
1 · 0 comments · 7.7K views

MULCH LEAVES, DON'T RAKE
Ms. Drop's Tip for October: Mulch Your Leaves Instead of Raking Them!
We're not done with our fall lawn care tips quite yet!
Instead of raking your leaves this year, use your mower to chop them up...
1 · 0 comments · 6.3K views

AVOID USING ROCK SALT
Ms. Drop's Tip for November: Avoid Using Rock Salt
This winter, try to avoid using rock salt on your walkways and driveway.
The salt can wash into our storm drains leading to increased water...
1 · 0 comments · 6.5K views

B. RAIN GARDEN PLANTS PDF

RETHINK RUNOFF

WHAT YOU CAN DO AROUND YOUR HOUSE
GUIDE TO RAIN GARDEN PLANTS

Rain gardens are a great way to reduce stormwater runoff around your home, but you can also make smaller changes around your garden that will help reduce stormwater. Just by including certain plants in your garden.

Below is a list of rain garden plants that you can use in your garden to help reduce stormwater runoff. All of these plants are native to Vermont. In addition, we've noted their mature height, sun exposure and when they bloom.

SALT TOLERANT PLANTS
These plants are salt-tolerant, so you can plant them near walkways, driveways or other places to get soaked during the winter.

COMMON NAME	SCIENTIFIC NAME	TYPE	HEIGHT	DESCRIPTION	EXPOSURE	BLOOM
Columbine	<i>Acquilegia canadensis</i>	Perennial	1-2'	Old	Full Sun	Summer
New England Aster	<i>Aster novae-angliae</i>	Perennial	2-6'	Old	Full Sun	Summer
Daylilies	<i>Hemerocallis sp.</i>	Perennial	2.5-3.5'	Fls. fade	Full Sun/Partial Shade	Summer
Blue Flag Iris	<i>Iris versicolor</i>	Perennial	2-3'	Old	Full Sun/Partial Shade	Summer
Cardinal Flower	<i>Lobelia cardinalis</i>	Perennial	2-4'	Old	Full Sun	Summer
Black-eyed Susan	<i>Rudbeckia hirta</i>	Perennial	1'	Old	Full Sun	Summer

Check out the other side for our list of salt-intolerant plants.

[Learn more at RETHINKRUNOFF.ORG](#)

SALT INTOLERANT PLANTS
These plants are not salt-tolerant, so you want to avoid placing them in areas away from where you salt in the winter.

COMMON NAME	SCIENTIFIC NAME	TYPE	HEIGHT	DESCRIPTION	EXPOSURE	BLOOM
Milkweed	<i>Asclepias tuberosa</i>	Perennial	1-2.5'	Orange flower	Full Sun	Summer
Coneflower	<i>Echinacea purpurea</i> spp.	Perennial	1-2'	Various include purple and white flowers	Full Sun/Partial Shade	Summer
Boneset	<i>Eupatorium perfoliatum</i>	Perennial	4-6'	Flat-topped clusters of small, fluffy white flowers	Full Sun/Partial Shade	Summer
Bee Balm	<i>Monarda didyma</i>	Perennial	2'	Red, pink, salmon colored flowers	Full Sun/Partial Shade	Summer
Bloodroot	<i>Sanguinaria canadensis</i>	Perennial	6-10"	White flower, toxic	Partial Shade	Spring
Red Deer Dogwood	<i>Cornus sericea</i>	Shrub	6-12'	White flowers, red stems in winter provides food and cover	Full Sun	Spring/Summer

[Learn more at RETHINKRUNOFF.ORG](#)

C. SAMPLE SOCIAL MEDIA POSTS: NEWS

Rethink Runoff Stream Team
Reviewed by Rethink Runoff · December 10, 2021 at 9:00 PM · 0

Since 2005, Lake Champlain has seen a decrease in the amount of water in the lake. In the past decade, the lake has only been frozen once or twice. This is due to a combination of rising water temperatures, climate change, and unpredictable weather patterns. What's in store for this winter?

Rethink Runoff Stream Team
Reviewed by Rethink Runoff · November 10, 2021 · 0

New information sheds light on how the private sector could impact Vermont, from agriculture and forestry, to water and land use.

Rethink Runoff Stream Team
Reviewed by Rethink Runoff · December 10, 2021 at 3:00 PM · 0

Lake Seymour in Morgan is the only Vermont lake to be consistently over the rising phosphate levels. A plan for potentially do the same for Lake Champlain and check for following health in the works.

Rethink Runoff Stream Team
Reviewed by Rethink Runoff · November 6, 2021 · 0

Good news for Lake Champlain. The state will be drinking from the lake trout. Biologists say it's a sign of a healthy population and a healthy lake.

Rethink Runoff Stream Team
Reviewed by Rethink Runoff · December 10, 2021 at 3:00 PM · 0

An action plan for Lake Champlain's faltering health. We're exploring the best next steps for 2022.

D. SAMPLE SOCIAL MEDIA POSTS: CONTENT

Rethink Runoff Stream Team
Reviewed by Rethink Runoff · December 2, 2021 at 11:00 AM · 0

Here's a great fall tip for your lawn! Mowing is a great way to maintain a healthy lawn. It reduces soil compaction and is a great way to reduce the amount of water and nutrients.

Rethink Runoff Stream Team
Reviewed by Rethink Runoff · December 10, 2021 at 3:00 PM · 0

Don't put away that mower just yet. Many people think once school starts it's time to back-burner lawn care until next spring. If you keep your grass too long before the first frost, your lawn can develop a moldy fungus. Try to keep it at 2-2.5 inches before the first frost.

Rethink Runoff Stream Team
Reviewed by Rethink Runoff · December 10, 2021 at 3:00 PM · 0

Great timing leaves each fall! At the best time and cost! Start off with the best mower and chisel blade just as your lawn is starting to grow. The chisel blades will cut to your lawn as they break down over the winter. See [Learn more](#)

Rethink Runoff Stream Team
Reviewed by Rethink Runoff · December 10, 2021 at 3:00 PM · 0

[Learn more](#)

2021 Creative

E. SEARCH ADS: SAMPLE COPY AND VARIABLE HEADLINES

● **Winterize Your Lawn This Fall | Prep Now for Green Grass Later | 5 Tips to Winterize Your...**
www.rethinkrunoff.org
 Try these five fertilizer-free lawn care tips for green grass next summer. Avoid fertilizers wit...
[View assets details](#)

● **Rain Gardens Reduce Runoff | Choose Plants to Reduce Runoff | Can Plants Reduce Runoff? ...**
www.rethinkrunoff.org
 By choosing certain plants, you can reduce stormwater runoff & keep Lake Champlain...
[View assets details](#)

● **Build a Rain Barrel This Fall | Rain Barrels Reduce Runoff | DIY Rain Barrel Instructions...**
www.rethinkrunoff.org
 Build a rain barrel to help reduce stormwater runoff around your house. Keep rainwater aw...
[View assets details](#)

● Plan Your Garden This Fall

● Choose Plants to Reduce Runoff

● Can Plants Reduce Runoff?

● Rain Gardens Reduce Runoff

● By choosing certain plants, you can reduce stormwater runoff & keep Lake Champlain clean.

● Fall is the best time to plan out your gardens. Choose plants that will reduce runoff.

● Find out what plants can help reduce rainwater around your home.

● Choose plants that reduce rainwater runoff with our handy guide.

● Rain Barrels Reduce Runoff

● DIY Rain Barrel Instructions

● Reduce Your Water Bill

● Rain Barrels Reduce Water Use

● Build a Rain Barrel This Fall

● Want to Build a Rain Barrel?

● One More DIY Fall Project

● Collect rainwater and use it on your garden and plants.

● Build a rain barrel to help reduce stormwater runoff around your house.

● Reduce stormwater runoff and keep Lake Champlain clean with a rain barrel.

● Prep Your Lawn for Next Spring

● Fall Lawn Care That Works

● Prep Now for Green Grass Later

● 5 Tips to Winterize Your Lawn

● Toss The Scotts For Lawn Care

● 5 Fertilizer-Free Lawn Tips

● Winterize Your Lawn This Fall

● Why Rake Leaves? Mow & Mulch

● Skip The Fertilizer & Do This

● Avoid fertilizers with these five key tips. Your lawn and Lake Champlain will thank you!

F HTML 5 ANIMATIONS

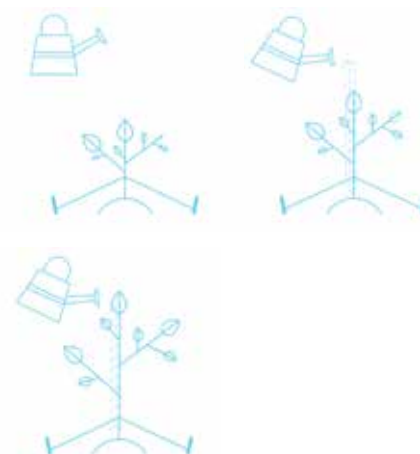
RAIN BARREL



PET WASTE



PLANTING A TREE



Media Buy Breakdown

Below is a cost breakdown of media buys, compared with previous years. We continued our Winter Campaign with a focus on both pet waste and reducing salt use. Similar to our past efforts to shift outreach year-round, our Winter Campaign ran in January and February, traditionally a quieter time from an advertising standpoint.

Digital media buys include Google ads, Facebook ads and WCAX. TV includes WCAX and Xfinity media buys.

Overall, our 2021 media buy strategy continued earlier efforts to create a more year-round approach. For 2021, we reduced our broadcast spend, pushing more into digital/digital video (Facebook, Google and YouTube).

In Fall 2021, we introduced Google Search ads, to complement Google Display ads and YouTube ads.

On the social media front, we also began promoting content-based posts that also offered a direct Call-To-Action leading to our website.

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

Media Buy Breakdown by Vendor

CAMPAIGN	WINTER	SPRING	SUMMER	FALL
WCAX BROADCAST		X		X
XFINITY BROADCAST		X		
GOOGLE	X	X	X	X
YOUTUBE		X	X	X
VTDIGGER.ORG				
VPR RADIO	X			X
WVMT RADIO		X		X
SEVEN DAYS		X		X

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

2020 – MEDIA BUY				
SOURCE	WINTER	SPRING	SUMMER 7/1–9/1	FALL
RADIO		\$375		\$375
DIGITAL	\$1,800	\$4,557.51	\$400	\$3,430.33
TV		\$5,788.75		\$2,063.83
PRINT		\$1,579.50		\$1,053
TOTAL	\$1,800	\$12,301	\$400	\$6,922

2021 – MEDIA BUY				
SOURCE	WINTER	SPRING	SUMMER 7/1–9/1	FALL
RADIO	\$725.40	\$375		\$375
DIGITAL	\$2,640.00	\$7,380.00	\$3,429.45	\$4,195.54
TV		\$5,600.00		\$680
PRINT		\$1,455.00		\$1,053
TOTAL	\$3,365.40	\$14,810	\$3,429.45	\$6,922

Google Advertising Metric

CAMPAIGN	IMPRESSIONS	INTERACTIONS	COST
DISPLAY	3,405,317	3,287	\$4,755.87
VIDEO	571,872	339,690	\$5,704.81
SEARCH	20,488	419	\$768.16

Impressions are the number of times the ads are served to web users. For Display and Search, Interactions are the number of times a web user clicks on the ad.

Video ads are consider pre-roll or mid-roll, meaning they are shown either directly before, or in the middle of a video the web user is watching. These ads are typically skipable after the first five seconds. Interactions include web users who click on the ads, or watch the entire ad.

Facebook Advertising Metrics

CAMPAIGN	IMPRESSIONS	CLICKS	REACH	COST
MS. DROP	113,535	618	21,083	\$2,054.92
FALL 2021	571,872	87	42,513	\$680.23
WINTER 2021	10,432	139	2,258	\$200.70
PAGE LIKES	3,142	10	1,390	\$55.09

Impressions are the number of ads served to Facebook users. Clicks are the number of people who click on an ads. Reach is the number of individual Facebook users that see the ad.

Our increased focus on social media also provides us with age- and gender-related information about users who like our Facebook page (Likes) and individuals who follow our Instagram page (Followers).

In this case, reach refers to the overall unique users in each platform that have seen our posts, either through other users liking and sharing our content, users using the Explore features, or users who see promoted posts.

Facebook Likes Demographics

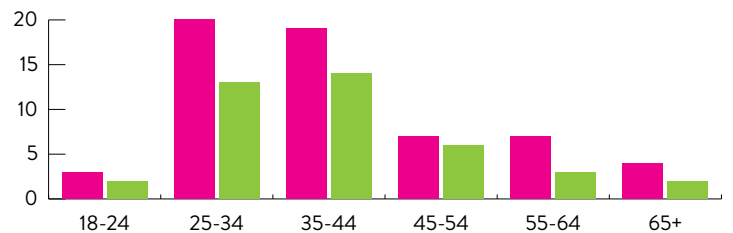
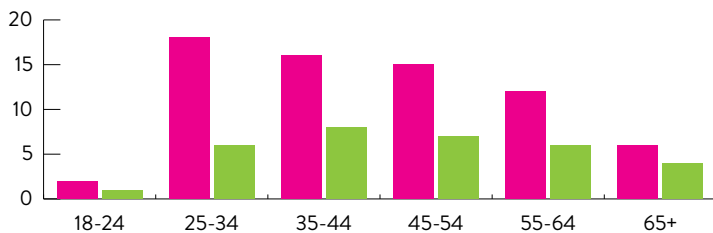
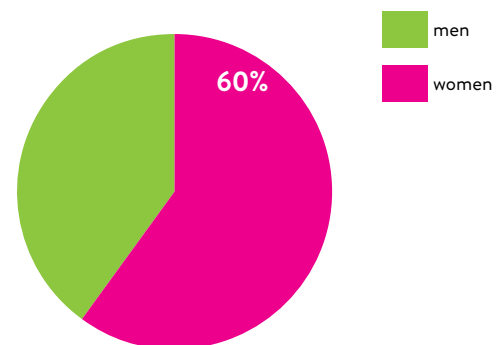
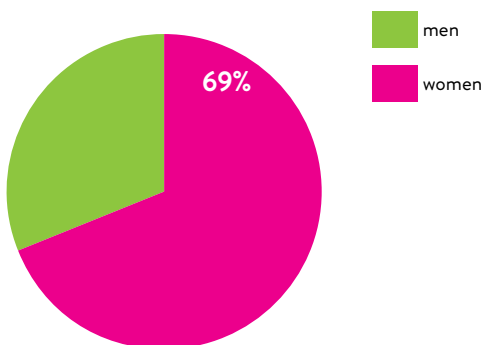
Facebook Reach: 60,998

Likes: 318

Instagram Follower Demographics

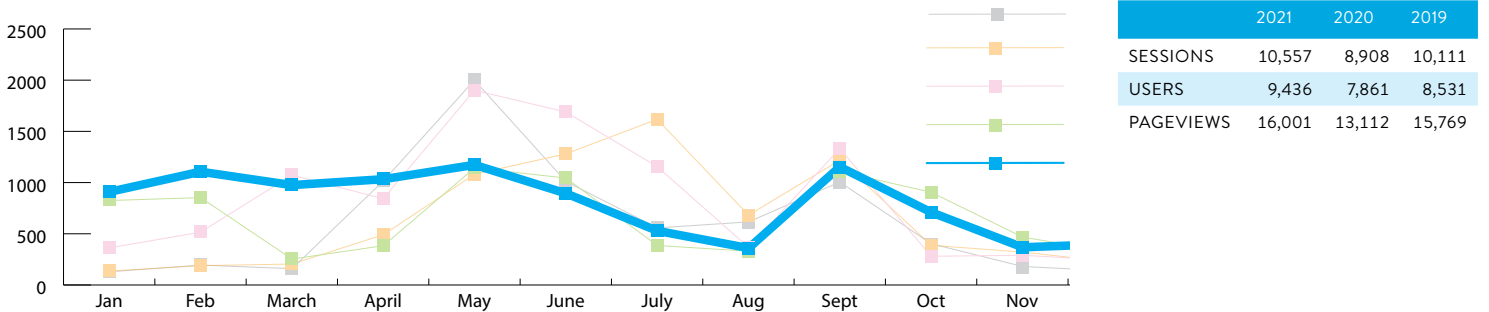
Instagram Reach: 19,384

Followers: 349



Website Metrics for 2016–2021

Our 2021 website metrics bounced back after a slower 2020 calendar year (due to COVID). Overall, our users, sessions and page views all increased by close to 20% when compared with 2020. In addition, when compared with 2019 (the last full pre-COVID year), our sessions (10,557 vs. 10,111), users (9,436 vs. 8,531), and pageviews (16,001 vs. 15,769) increased as well.



Total Sessions/Visits (1/1–12/31)

TOTAL	TIME PERIOD
10,557	2021
8,908	2020
10,111	2019
7,832	2018
7,407	2017
6,004	2016
4,659	2015
7,728	2014
3,541	2013
2,787	2012

Top Vermont Cities and Towns

TOTAL	USERS
BURLINGTON*	1,152
SOUTH BURLINGTON*	589
COLCHESTER*	539
ESSEX*	487
SHELBURNE*	196
STOWE*	65
JERICHO	58
WILLISTON	51
MIDDLEBURY	28
MONTPELIER	27

MILTON: 13
WINOOSKI 6

* SAME POSITION AS LAST YEAR

Website Visits by Device

DEVICE	2021	2020	2019	2018	2017	2016
DESKTOP	46.9%	51.25%	40.2%	50.1%	52.8%	65.7%
MOBILE	44.6%	41.28%	44%	40.6%	36.4%	24.5%
TABLET	8.5%	7.47%	15.8%	9.3%	10.8%	9.8%

Most Visited Pages

PAGE	TOTAL
HOMEPAGE	4,465 (27.90%)
/EDUCATIONAL-RESOURCES/PICK-UP-DOG-POOP/	1,239 (7.74%)
/WHAT-YOU-CAN-DO/	1,076 (6.72%)
/EDUCATIONAL-RESOURCES/REDUCE-ROAD-SALT/	702 (4.39%)
/THE-STREAM-TEAM/	551 (3.44%)
/WHAT-YOU-CAN-DO/REDUCE-FERTILIZER-USE/	551 (3.44%)
/WHAT-YOU-CAN-DO/PICK-UP-DOG-POOP/	528 (3.30%)
/WHAT-YOU-CAN-DO/PLANT-A-RAIN-GARDEN/	472 (2.95%)
/EDUCATIONAL-RESOURCES/FOR-KIDS/CREATE-YOUR-OWN-WATER-CYCLE/	460 (2.87%)
/EXPLORE-THE-LAKE-CHAMPLAIN-BASIN/	410 (2.56%)

Website Event Tracking

DEVICE	2021	2020
MAILCHIMP FORM	48	61
RAIN GARDEN PDF	56	N/A
RAIN BARREL PDF	17	8
SOIL TEST CTA	18	5
SCIENCE EXPERIMENT PDF	15	N/A

**BURLINGTON INTERNATIONAL
AIRPORT**

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

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

April 1, 2022

Appendix D

Public Involvement/Participation (MCM #2)

Rethink Runoff Stream Team

**2021 Summary of Activities and 2021 Water
Quality Monitoring Interim Report**

Minimum Control Measure #2: Public Involvement & Participation Rethink Runoff Stream Team Summary of Activities



Prepared by Winooski Natural Resources Conservation District 2021 Calendar Year

Overview

Although the pandemic continued to present challenges for the Stream Team in 2021 the Winooski Natural Resources Conservation District (WNRCD) was able to engage many residents in meaningful actions to improve stormwater in their community. We organized a watershed field-day for students in the Winooski Middle School summer school program, reinstated our volunteer water quality monitoring program, explored new opportunities for remote community engagement with the Adopt-a-Drain program and recruited volunteers to install a new rain garden at the Milton Municipal building.

RRST Estimated Impact by Municipality

The table below depicts the estimated number of individuals engaged in each RRST municipality in 2021. This table reflects **in-person** interactions where it was possible to log participants' town of residence. For information about residents reached through digital efforts on the website and social media outlets, see final report from Pluck.

Municipality	# of people reached in-person in 2021
Burlington	4
Colchester	0
Town of Essex	0
Village of Essex Junction	2
Milton	3
Shelburne	0
South Burlington	14
Williston	3
Winooski	16

TOTAL	42
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Table 1: Interaction with the Stream Team by municipality

Organizational Partnerships

The Rethink Runoff Stream Team partnered with **2** non-municipal organizations in 2021:

1. **Hamline University:** Created the Adopt-a-Drain website based on social science research to engage more volunteers in maintaining the health of storm drains in MS4 communities across the country. This year RRSST municipalities engaged in a discussion about joining the Adopt-a-Drain program. See "Projects" section for more details
2. **Winooski Middle School:** A summer school teacher at Winooski Middle School asked if RRSST could present a hands-on watershed lesson to students. See "Outreach Events" section for more details.

Outreach

Social Media

The Stream Team coordinator periodically updated the Facebook and Instagram pages with information about upcoming outreach events or volunteer opportunities.



Figure 1: Two Facebook posts from 2021 related to the Milton Municipal Rain Garden installation project

RRST Website

We maintained the "events" section of the website and occasionally helped to develop ideas for new web content in collaboration with Pluck Design.

Newsletter

At the end of 2021 there were **799** subscribers to the RRST newsletter (an increase from 770 in 2020). One newsletter was published this year in December.

Outreach Events

One "outreach" event was held in 2021. A total of **16** people participated.. The event is described in more details below:

1. **Winooski Middle School Watershed Field Day:** The Stream Team Coordinator delivered a 2-hour hands-on lesson to 12 students and 4 teachers at Winooski Middle School as part of their summer school program. Students met the coordinator at Landry Park in Winooski. The focus of the lesson was watersheds and community. Students looked at a map of watersheds that drain to Lake Champlain, built their own 3D watershed model, explored Morehouse Brook and played a game about ecological connections. Two WNRCD summer interns helped to facilitate small-group activities for students. Teachers provided positive feedback after the event and expressed an interest in continued partnership for the 2021/22 school year. Total # of people reached in-person in Winooski = 16



Figure 2: Students at Winooski Middle School participate in hands-on watershed activities at Morehouse Brook in Landry Park.

Projects -----

Three in-person "project" events were held in 2021 and planning for a fourth initiative (Adopt-A-Drain) began. A total of **29** people participated in hands-on volunteer events in their communities. The projects are described in detail below:

1. Milton Rain Garden Installation
2. Stream Team Water Quality Sampling
3. Adopt-a-Rain Garden Program
4. Planning for Regional Adopt-a-Drain Program

Milton Project: Rain Garden Planning and Installation

Summary: RRST assisted staff at the Town of Milton with the design and installation of a new rain garden at the Municipal Building on Bombardier Road. The Stream Team Coordinator provided municipal staff with a tailored list of recommended plants for the project. All project supplies were paid for by the town, but the Stream Team Coordinator did harvest about 30 perennial transplants from other over-crowded gardens to add to the planting plan. 5 community volunteers assisted with planting & mulching the garden on installation day.

Advertising: Advertising was completed through direct email outreach to our list of active volunteers, posting on social media and inviting community members to share a post on Front Porch Forum.

Impact: 5 community volunteers and three staff members participated in two planting shifts throughout the day. Volunteers learned more about the function of the rain garden and the pollinator and wildlife benefits of the plants that were selected. The area was quickly transformed from an empty hole to a beautifully planted and mulched stormwater feature. Most participants accepted a Stream Team t-shirt and sticker as thanks for assisting. The Stream Team Coordinator is currently working with town staff to design an educational sign to accompany the garden since it is in a location with high foot-traffic.



Fig 3: Community volunteers, Milton municipal staff and WNRCD communications intern help to install perennial plants in a new rain garden at the Milton Municipal Building.

Water Quality Monitoring

Summary: The Stream Team has maintained an ongoing water quality monitoring program since 2012. Community science volunteers collect water samples in urban or suburban streams that are impacted by excessive nutrient loading, high chloride and other pollution.

This year VT DEC's LaRosa Program provided financial support for analysis of the water samples at the Vermont Agriculture and Environmental Laboratory (VAEL), wrote the Quality Assurance Project Plan (QAPP), transported samples from partners' offices to the lab, and took on the responsibility of analyzing data from all state-wide partners. This change allowed us to focus more on volunteer recruitment and engagement and less on behind-the-scenes paperwork. Of note, the state-wide data analysis has not been published yet, so a Stream Team

Data Analysis document is not available with this report.

Fourteen Stream Team volunteers collected biweekly water quality samples at fourteen sites on eight streams in 2021. Volunteers collected biweekly grab samples from June 2 - August 11. Grab samples were analyzed for total phosphorus, chloride, and at some sites, nitrogen. These parameters were also sampled at all sites after two rain events. Eight of the sites were new this year and some required special equipment for sampling like a throw-bucket or dipper stick. Appropriate tools were purchased and/or created to assist with sampling while maintaining volunteer safety around swift waters.

The training day for volunteer samplers took place in late May. This year two sessions were offered - one in person at the stream adjacent to the WNRCD Williston Office and one online - to accommodate volunteers' schedules and comfort with gathering in-person. During both trainings the Stream Team coordinator demonstrated sampling procedures, described the data collection sheets, explained how the collected data would be used and answered questions. Throughout the season, volunteers returned their samples through a contactless dropoff system to the WNRCD office. The Stream Team coordinator ensured all samples were properly checked-in and prepared for delivery to the lab. The Stream Team 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.

Advertising: Advertising was completed through direct email outreach to our list of active volunteers. Recognizing that covid-restrictions may make a fully in-person training impossible, we targeted samplers with prior experience. Next year we look forward to adding new volunteers to the team.

Impact: In total volunteers collected 250 individual samples. This data provides information about long term trends that may help towns analyze effectiveness of stormwater BMPs or identify new opportunities for action. Perhaps more importantly, we believe that engaging community members directly in clean-water work creates greater public understanding of the issues VT watersheds are facing and creates greater public support for clean-water initiatives like GSI installation or wastewater treatment plant improvements. In 2022 we plan to add data from this sampling season to the Stream Storytelling online map and use it as an educational tool during outreach events.



Figure 4: Stream Team volunteers collect water samples at sites at various sites across the RRST service area

Stream Team Volunteers 2021	
Municipality	# of Volunteers
Burlington	3
Colchester	0
Village of Essex Junction	2
Town of Essex	0
Milton	1
South Burlington	6
Shelburne	0
Williston	1
Winooski	0
Non -RRST Municipalities	1
TOTAL	14

Table 2: Stream Team Water Quality Sampling Volunteers by town



Fig 5: Stream Team Water Quality Sampling sites map. See interactive online version here: https://www.google.com/maps/d/u/O/edit?mid=1SP_lsNKpOTLeedEOuaGgRXeEcyNGrGrO&usp=sharing

Adopt-a Rain Garden Program Summary

The Stream Team's Adopt-a-Rain Garden program is an opportunity for individuals to assist in keeping public rain gardens in their community 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 seven public rain gardens managed by Stream Team. In 2021 all seven gardens were cared for by approximately 10 volunteers. The gardens that have been removed from this list are either now cared for by municipal staff or hired landscaping crews, so it is no longer appropriate to recruit community volunteers. We plan to add 1-4 new gardens for adoption in 2022. See table below for more details.

Rain Garden Volunteers 2021	
Location	Adopter Name
Williston Annex	Rita D.
Callahan Park, Burlington	Brad K.

Chamberlin School, South Burlington	Chris P.
Coast Guard Station, Burlington	Larry K.
Farrell Park, South Burlington	Roan O.
South Burlington Fire Station	Cub Scouts 678
South Burlington Library	Cub Scouts 678

Table 3: 2021 Rain Garden Adopters 2021

Regional: Adopt-a-Drain Launch

Summary: This year we completed significant behind-the-scenes research and coordination to launch a robust Adopt-a-Storm-Drain program similar to Adopt-a-Rain-Garden. Based on early interest from the Village of Essex Junction and the City of Burlington in improving and/or starting new storm drain steward programs and based on the success of a small pilot program in 2020 (see 2020 RRST Annual Report) we began to explore options for offering "Adopt a Drain" as a rotating program for interested municipalities. The goal of the program would be to recruit volunteers to care for storm drains in their neighborhood by clearing trash, sediment, salt and other pollutants on a regular basis.

In early conversations we discussed the feasibility of municipal staff creating and maintaining in-house interactive maps where volunteers could view "adoptable" drains and sign up to help. After discussing the idea with GIS specialists in multiple towns (including Burlington where a pilot platform had already been developed, but experienced technical difficulties), the [Adopt-a-Storm-Drain](#) initiative developed by Hamline University was brought to our attention.

Adopt-a-Storm-Drain is a model developed by staff at Hamline University based on research about best practices for community engagement around stormwater. Their website offers a template for towns to input available drains and for volunteers to sign up and find training resources easily. Their interface is supported by technical staff at the university, which means we can spend more time engaging people in our communities and less time working on coding and data management.

Challenges: The main challenge of this project was that the Adopt-A-Storm-Drain package comes at an additional cost to current MS4 dues. With most MS4 staff and the Stream Team Coordinator working and meeting remotely, the process of discussing this opportunity was lengthy. Gauging the level of interest from each municipality and assessing which funding options would be most feasible took many months, but we have now determined the cohort of municipalities that would like to participate and plan to move forward with a project launch in 2022.

Impact: With the Chittenden County RPC as the administrative partner, the five MS4 communities entered into an MOU with Hamline University (effective Jan 2022) to gain access to the web platform and volunteer training resources. The Stream Team Coordinator will help to

launch the program by taking the lead on volunteer recruitment as a core goal for 2022. We believe launching the Adopt-a-Storm-Drain program is a great fit for these communities in a year that will still be impacted by COVID restrictions. We anticipate that this program will engage hundreds of community volunteers in a project that can be completed without requiring any in-person interaction. Adopting a storm drain is a small and simple action that may inspire community members to participate in other Rethink Runoff activities in the years to come and consider the ways water flows through their neighborhood.

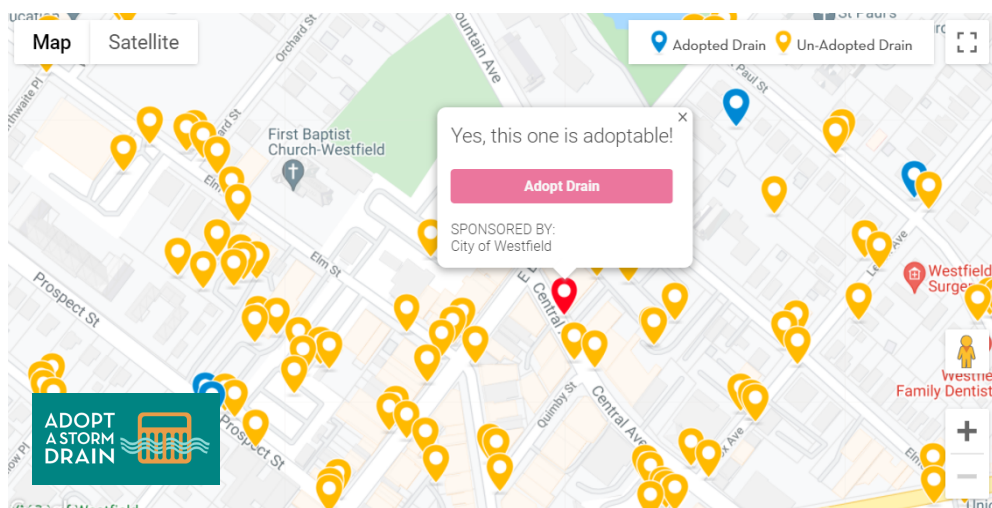


Figure 6: Screenshot from Adopt-a-Drain Website illustrating volunteer sign-up map format

Volunteer Appreciation Summary

Due to covid we were not able to host an in-person volunteer event. All volunteers were offered Stream Team t-shirts and stickers at the time of the event and many accepted one or both. We are planning to send handwritten thank-you notes and a small gift in the mail to our most dedicated volunteers in early 2022.



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

**BURLINGTON INTERNATIONAL
AIRPORT**

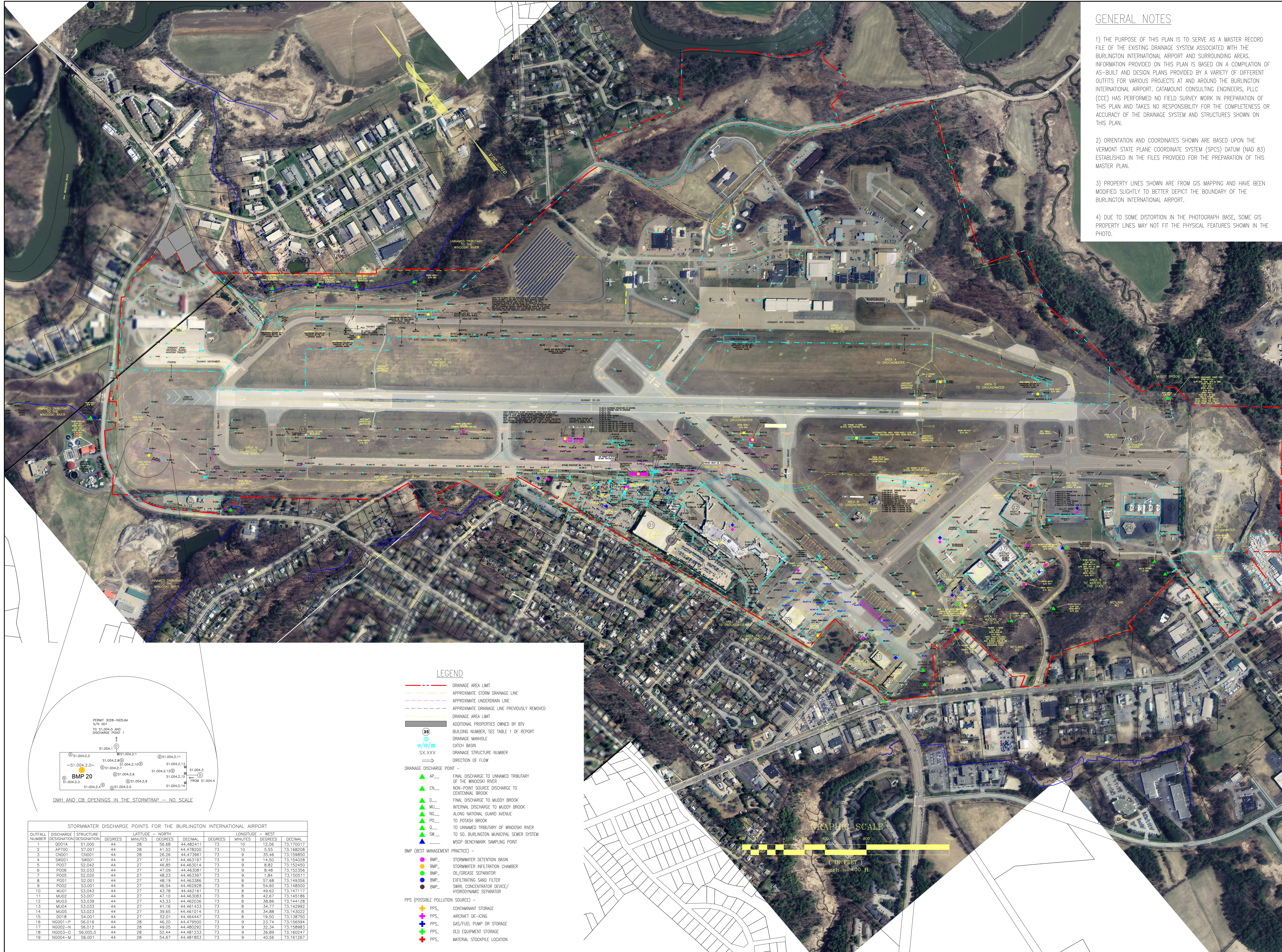
**Annual Report for General Permit 3-9014
(MS4)**

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

April 1, 2022

Appendix E

BTV Drainage Map




GENERAL NOTES

1) THE PURPOSE OF THIS PLAN IS TO SERVE AS A MASTER RECORD FILE OF THE EXISTING DRAINAGE SYSTEM ASSOCIATED WITH THE BURLINGTON INTERNATIONAL AIRPORT AND SURROUNDING AREAS. INFORMATION PROVIDED ON THIS PLAN IS BASED ON A COMPILATION OF AS-BUILT AND DESIGN PLANS PROVIDED BY A VARIETY OF DIFFERENT OUTFITS FOR VARIOUS PROJECTS AT AND AROUND THE BURLINGTON INTERNATIONAL AIRPORT. CATAMOUNT CONSULTING ENGINEERS, PLLC (CCE) HAS PERFORMED NO FIELD SURVEY WORK IN PREPARATION OF THIS PLAN AND TAKES NO RESPONSIBILITY FOR THE COMPLETENESS OR ACCURACY OF THE DRAINAGE SYSTEM AND STRUCTURES SHOWN ON THIS PLAN.

2) ORIENTATION AND COORDINATES SHOWN ARE BASED UPON THE VERMONT STATE PLANE COORDINATE SYSTEM (SPCS) DATUM (NAD 83) ESTABLISHED IN THE FILES PROVIDED FOR THE PREPARATION OF THIS MASTER PLAN.

3) PROPERTY LINES SHOWN ARE FROM GIS MAPPING AND HAVE BEEN MODIFIED SLIGHTLY TO BETTER DEPICT THE BOUNDARY OF THE BURLINGTON INTERNATIONAL AIRPORT.

4) DUE TO SOME DISTORTION IN THE PHOTOGRAPH BASE, SOME GIS PROPERTY LINES MAY NOT FIT THE PHYSICAL FEATURES SHOWN IN THE PHOTO.



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802.598.8061 | www.ccevt.com
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OWNER:

Burlington International Airport
Airport Dr.
South Burlington, VT 05403

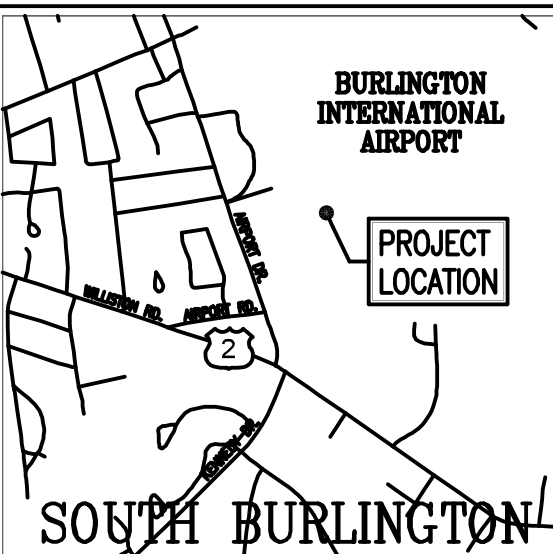
PROJECT:

Master Drainage Summary Plan
Airport Dr.
South Burlington, VT 05403

SHEET TITLE:

Overall Existing Conditions Site Plan

LOCATION MAP 1" = ±2,000'



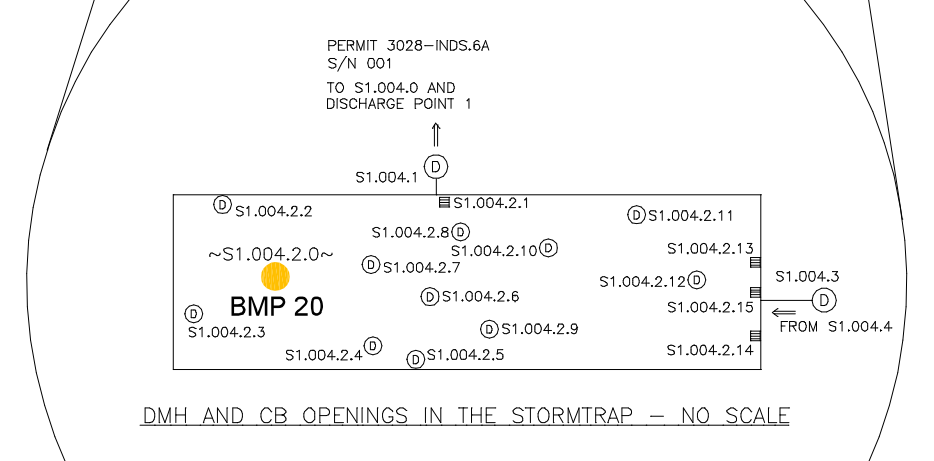
PRELIMINARY
 FOR PERMITTING
 NOT FOR CONSTRUCTION
 FOR CONSTRUCTION

PROJECT NO.: 21065
DATE: FEBRUARY 21, 2022
SCALE: 1" = 400'

REV. NO.	DESCRIPTION	DATE
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		

SHEET NUMBER:

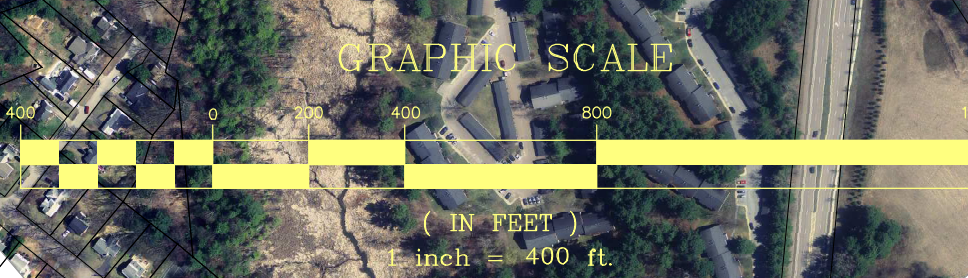
C1.0



STORMWATER DISCHARGE POINTS FOR THE BURLINGTON INTERNATIONAL AIRPORT

OUTFALL NUMBER	DISCHARGE DESIGNATION	STRUCTURE DESIGNATION	LATITUDE - NORTH				LONGITUDE - WEST			
			DEGREES	MINUTES	DEGREES	DECIMAL	DEGREES	MINUTES	DEGREES	DECIMAL
1	GO01A	S1.000	44	28	56.88	44.482411	73	10	12.06	73.170017
2	AP100	S7.001	44	28	41.32	44.478200	73	10	5.35	73.168308
3	CND01	CND01	44	28	26.26	44.473961	73	9	35.46	73.159850
4	SW001	SW001	44	27	47.51	44.463197	73	9	14.50	73.154028
5	PO07	S2.042	44	27	46.85	44.463014	73	9	8.82	73.152450
6	PO08	S2.033	44	27	47.09	44.463081	73	9	8.48	73.152356
7	PO05	S2.020	44	27	48.23	44.463397	73	9	1.84	73.150511
8	PO01	S2.001	44	27	48.19	44.463386	73	8	57.68	73.149356
9	PO02	S3.001	44	27	46.54	44.462928	73	8	54.60	73.148500
10	MU01	S3.043	44	27	43.78	44.462161	73	8	49.62	73.147117
11	MU02	S3.007	44	27	47.10	44.463083	73	8	42.67	73.145186
12	MU03	S3.039	44	27	43.33	44.462036	73	8	38.86	73.144128
13	MU04	S3.033	44	27	41.16	44.461433	73	8	34.77	73.142992
14	MU05	S3.023	44	27	39.85	44.461014	73	8	54.86	73.143022
15	DO18	S4.001	44	27	52.01	44.464447	73	8	19.50	73.138750
16	NG001-P	S6.016	44	28	46.20	44.479500	73	9	23.74	73.156594
17	NG002-N	S6.012	44	28	49.05	44.480292	73	9	32.34	73.158963
18	NG003-O	S6.005-O	44	28	52.44	44.481233	73	9	36.89	73.160247
19	NG004-M	S6.001	44	28	54.67	44.481853	73	9	40.56	73.161267

- LEGEND**
- DRAINAGE AREA LIMIT
 - APPROXIMATE STORM DRAINAGE LINE
 - APPROXIMATE UNDERRAIN LINE
 - APPROXIMATE DRAINAGE LINE PREVIOUSLY REMOVED
 - DRAINAGE AREA LIMIT
 - ADDITIONAL PROPERTIES OWNED BY BTV
 - BUILDING NUMBER, SEE TABLE 1 OF REPORT
 - DRAINAGE MANHOLE
 - CATCH BASIN
 - S/X.XXX DRAINAGE STRUCTURE NUMBER
 - DIRECTION OF FLOW
 - DRAINAGE DISCHARGE POINT -**
 - ▲ AP... FINAL DISCHARGE TO UNNAMED TRIBUTARY OF THE WINDSOR RIVER
 - ▲ CN... NON-POINT SOURCE DISCHARGE TO CENTENNIAL BROOK
 - ▲ D... FINAL DISCHARGE TO MUDDY BROOK
 - ▲ MU... INTERNAL DISCHARGE TO MUDDY BROOK
 - ▲ NG... ALONG NATIONAL GUARD AVENUE
 - ▲ PO... TO POTASH BROOK
 - ▲ Q... TO UNNAMED TRIBUTARY OF WINDSOR RIVER
 - ▲ SW... TO SQ. BURLINGTON MUNICIPAL SEWER SYSTEM
 - ▲ SWP... WSPB BENCHMARK SAMPLING POINT
 - BMP (BEST MANAGEMENT PRACTICE) -**
 - BMP... STORMWATER DETENTION BASIN
 - BMP... STORMWATER INFILTRATION CHAMBER
 - BMP... OIL/GRADE SEPARATOR
 - BMP... EXFILTRATING SAND FILTER
 - BMP... SWIRL CONCENTRATOR DEVICE/HYDRODYNAMIC SEPARATOR
 - PPS (POSSIBLE POLLUTION SOURCE) -**
 - + PPS... CONTAMINANT STORAGE
 - + PPS... AIRCRAFT DE-ICING
 - + PPS... GAS/FUEL PUMP OR STORAGE
 - + PPS... OLD EQUIPMENT STORAGE
 - + PPS... MATERIAL STOCKPILE LOCATION



**BURLINGTON INTERNATIONAL
AIRPORT**

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

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

April 1, 2022

Appendix F

**Construction Site Stormwater Runoff Control
(MCM#4)**

**Active Individual Construction Stormwater
Discharge Permits (INDC's) in 2021**

3028-INDC.7 (BTV Quarry Fill)

3028-INDC.6 (Taxiway G Project)

3028-INDC.8 (BTV Hotel)

**3028-INDC.A (Housing Removal on Airport
Acquired Land)**

**3028-INDC.9 (Heritage Flight Hangar
Addition)**

**3028-INDC.10 (Remain Overnight Apron
Phase 7)**

3028-INDC.11 (BETA Hangar Addition)

3028-INDC.12 (Terminal Integration)

**3028-INDC.13 (Rehab Portions of the
Terminal Apron Phases 3-9)**

**3028-INDC.14 (Taxiway K and Runway 1 Papi
Relocation)**

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.

Project Name: BTV Quarry Fill
NPDES Number: VTS0000211

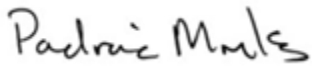
Discharge Permit Number: 3028-INDC.7

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

EPSC Plan Amendment Record

For Projects Permitted Under an
Individual Construction Discharge Permit



This form shall be completed by the On-Site Plan Coordinator (OSPC) or a person acting under the direction of the OSPC and/or the original designer, a professional engineer (licensed in the State of Vermont) or a Certified Professional in Erosion Prevention and Sediment Control (EPSC) for changes to the EPSC Plan per Part II.F of the Individual Construction Stormwater Discharge Permit. Attach information as necessary to document the proposed changes.

A. Project Information

1. Project Name: BTV Quarry

2. Permit Number: 3028-INDC.7

B. Amendment Description

1. Is the proposed change a swap of interchangeable practices, as detailed in the *Vermont Erosion Prevention and Sediment Control Field Guide*? Yes No

If Yes, the change to the EPSC Plan can be implemented under the direction of the On-Site Plan Coordinator. Describe change:

If No, the change to the EPSC Plan can only be implemented by the original designer, a professional engineer (licensed in the State of Vermont), or a Certified Professional in Erosion Prevention and Sediment Control), then proceed to B2:

2. Describe the proposed change* (check all that apply):

- Change in grading plan Change in phasing plan Addition of an EPSC Practice
 Swap of an EPSC practice Removal of EPSC Practice Other: _____

3. Is the proposed change in accordance with the Vermont Standards and Specifications for Erosion Prevention and Sediment Control? Yes No

If No, the proposed change must be authorized by the Stormwater Program

4. Describe the amendment to the EPSC Plan, including location and pertinent design information:
(See attached Narrative of Proposed Changes)

*Any change involving earth disturbance substantially outside of the originally authorized limits of disturbance either requires coverage under a separate authorization or an amendment to the Individual Construction Stormwater Discharge Permit, per Part II.F.7.2.

C. Certification

The OSPC may certify for interchangeable practices, otherwise the original EPSC Plan preparer, a Professional Engineer or a CPESC must certify the amendment.

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.

Name: Israel Maynard, PE Title: Senior Transportation Engineer

Signature: _____ Date: 9/24/2021

Narrative of Proposed Changes

Project Description: The site is currently permitted as a fill site for waste material from airport projects. The amendment is for grading revisions related to preparing the site for future development by excavating for foundations with blasting as necessary, areas for rock crushing and temporary stock piling of materials. This proposed amendment is only to prepare this site as shown in the attached plans. Before construction of the future development a subsequent application will need to be submitted. The intent is for the site preparation to take place between October 15th and February 28th.

Disturbance Area: The currently permitted disturbance is 19 acres. The revisions to grading result in 23.4 acres of disturbance for a difference of 4.4 acres. The additional disturbance is between the additional excavation on the southwest portion of the site and additional fill in the gulley on the north portion. The additional area does not encroach on any wetland or stream buffers.

Manner of Discharge: The manner of discharge for discharge #1, #3 and #4 remain the same.

Discharge #1 will be discharge to groundwater within the excavation area. If dewatering is necessary, the excavation will be pumped to a filter bag or settling tank prior to discharging to muddy brook at discharge point #3.

Discharge #2 has been revised to discharge via closed drainage to Muddy Brook from discharging to groundwater contiguous to muddy brook.

Discharge #3 manner of discharge remains overland flow to Muddy Brook.

Discharge #4 manner of discharge remains overland flow to Muddy Brook.

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:

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

Project Name: Taxiway 'G'
NPDES Number: VTS0000211

Discharge Permit Number: 3028-INDC.6

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
Padraic Monks, Program Manager
Stormwater Management Program

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

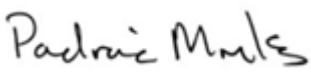
Unless provided otherwise by this permit, the permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within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

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

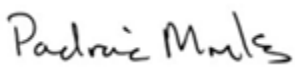
Unless provided otherwise by this permit, the permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within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

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

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.

Prepared by Hoyle, Tanner & Associates
Received 5/07/2020

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 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 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

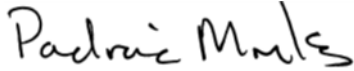
Unless provided otherwise by this permit, the permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within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

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

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: VTS006562
Permit Number: 3028-INDC.12

For Stormwater Runoff from the Construction of the **BTV Terminal Integration Project** located at the **Burlington International Airport** 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, 1263 and 1264; 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 **BTV Terminal Integration Project** located at the **Burlington International Airport** 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 1, "Existing Conditions Plan", dated February 26, 2021;**
- Sheet 2, "Erosion Control and Demolition", dated February 26, 2021, last revised 4/2/21;**
- Sheet 3, "Erosion Prevention and Sediment Control Plan", dated February 26, 2021, last revised 4/2/21;**
- Sheet 4, "Proposed Grading and Drainage", dated March 16, 2021;**
- Sheet 5, "Drainage Details", dated February 2021;**
- Sheet 6, "Overall Landscape Plan", dated March 4, 2021;**
- Sheet 7, "Landscape and Building Elevation", dated March 4, 2021;**
- Sheet 8, "Tree Protection Plan", dated March 4, 2021.**

Prepared by **Hoyle, Tanner & Associates**
Received **03/31/2021**

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 Terminal Integration Project** located at **Burlington Airport in South Burlington** discharging to the **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. Chapter 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 **0.75** acres. The maximum area of concurrent earth disturbance at any one time allowed under this permit is **0.75** 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 from Section 3.3 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
One 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 (February 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 (February 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 (February 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 June 11, 2021 and shall expire on June 10, 2026. 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 June 11, 2021

Peter Walke, Commissioner
Department of Environmental Conservation

By: 

Kevin Burke
Stormwater Program Analyst

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: VTS006597
Permit Number: 3028-INDC.13

For Stormwater Runoff from the Construction of the **Rehabilitation of Portions of the Terminal Apron Phases 3-9** 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 and 1264; 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 **Rehabilitation of Portions of the Terminal Apron Phases 3-9** located at the **Burlington International Airport**. discharging to 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 2 - G1.2, General Notes, Legend and Index to Drawings
Sheet 3 - G1.3, General Plan and Airfield Survey Control
Sheet 4P - G1.4P, Phasing Plan and Key Plan
Sheet 4 - G1.4, Phasing Plan and Key Plan
Sheet 7 - ER1.1, Erosion Control Notes and Details
Sheet 8 - DE1.1, Demolition Plan - Sheet 1 of 4
Sheet 9 - DE1.2, Demolition Plan - Sheet 2 of 4
Sheet 10 - DE1.3, Demolition Plan - Sheet 3 of 4
Sheet 11 - DE1.4, Demolition Plan - Sheet 4 of 4
Sheet 16 - GE2.1, Typical Section
Sheet 17 - GE3.1, Pavement Details
Sheet 18 - GD1.1, Grading and Drainage Plan - Sheet 1 of 4
Sheet 19 - GD1.2, Grading and Drainage Plan - Sheet 2 of 4
Sheet 20 - GD1.3, Grading and Drainage Plan - Sheet 3 of 4
Sheet 21 - GD1.4, Grading and Drainage Plan - Sheet 4 of 4

Project Name: Rehabilitation of Portions of the Terminal Apron Phases 3-9
NPDES Number: VTS006597

Permit #: 3028-INDC.13

Sheet 25 - GD3.2, Grading and Drainage Details - Sheet 2 of 2
All dated September 2015 and last revised 9/3/2015 and
Sheet G1.4, Construction Safety and Phasing Plan, dated February 2015, last revised 2/6/2015

Prepared by **Hoyle Tanner Associates, Inc.**
Received **04/20/2021**

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 **Rehabilitation of Portions of the Terminal Apron Phases 3-9** located at the **Burlington International Airport**, discharging to 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. Chapter 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 **8.47** acres. The maximum area of concurrent earth disturbance at any one time allowed under this permit is **2** 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 from 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
One 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 (February 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 (February 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 (February 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

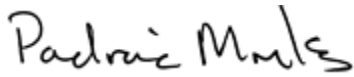
Unless provided otherwise by this permit, the permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 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 June 29, 2021 and shall expire on June 28, 2026. The permittee shall reapply for coverage at least sixty (60) days prior to the expiration if the project has not achieved final stabilization or if the construction activities are expected after the date of expiration.

Signed June 29, 2021

Peter Walke, Commissioner
Department of Environmental Conservation



By: _____
Padraic Monks
Stormwater Program Manager

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: VTS006617
Permit Number: 3028-INDC.14

For Stormwater Runoff from the Construction of **Taxiway 'K' and Runway 1 Papi Relocation** located at the **Burlington International Airport** 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 and 1264; 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 'K' and Runway 1 Papi Relocation** located at the **Burlington International Airport** discharging to 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 1, "Title Sheet" dated 02/12/2021, last revised 02/12/2021;
- Sheet 2, "Project Scope" dated 02/12/2021, last revised 02/12/2021;
- Sheet 3, "Horizontal and Vertical Control Plan" dated 03/03/2021, last revised 03/03/2021;
- Sheet 4, "General Notes", dated 03/03/2021, last revised 03/03/2021;
- Sheet 5, "General Notes -2" dated 03/03/2021, last revised 03/03/2021;
- Sheet 6, "Soil Boring Plan", dated 02/12/2021, last revised 02/12/2021;
- Sheet 7, "Grading Plan", dated 02/12/2021, last revised 02/12/2021;
- Sheet 8, "Profile Plan", dated 02/12/2021, last revised 02/12/2021;
- Sheet 9, "Drainage Details", dated 02/12/2021, last revised 02/12/2021;
- Sheet 10, "Erosion and Sediment Control Plan", dated 02/12/2021, last revised 02/12/2021.

Prepared by: CHA Companies
Received: 05/07/2021

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 **Taxiway 'K' and Runway 1 Papi Relocation** located at the **Burlington International Airport** discharging to 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. Chapter 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 **2.3** acres. The maximum area of concurrent earth disturbance at any one time allowed under this permit is **2** 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 workday, 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 from 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
One 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 (February 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 (February 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 (February 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 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

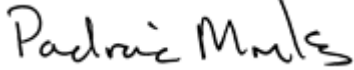
Unless provided otherwise by this permit, the permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 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 July 16, 2021 and shall expire on July 15, 2026. The permittee shall reapply for coverage at least sixty (60) days prior to the expiration if the project has not achieved final stabilization or if the construction activities are expected after the date of expiration.

Signed July 16, 2021

Peter Walke, Commissioner
Department of Environmental Conservation



By:

Padraic Monks
Stormwater Program Manager

**BURLINGTON INTERNATIONAL
AIRPORT**

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

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

April 1, 2022

Appendix G

**Post Construction Stormwater Management
for New Development and Redevelopment
(MCM#5)**

**Operational Stormwater Discharge Permits
Issued in 2021**

3028-9050 (Taxiway K)

3028-9050.1 (Terminal Integration)

VERMONT DEPARTMENT OF ENVIRONMENTAL CONSERVATION
AUTHORIZATION TO DISCHARGE UNDER
GENERAL PERMIT 3-9050

A determination has been made that the applicant(s):

City of Burlington, Burlington International Airport
1200 Airport Drive No. 1
South Burlington, VT 05403

Impervious Area: 0.50 acres

meets the criteria necessary for inclusion under General Permit 3-9050. Hereinafter, the named applicant shall be referred to as the permittee. Subject to the conditions of General Permit No. 3-9050, the permittee is authorized to discharge stormwater as described herein:

Project Name: Taxiway K

Project Location: 1200 Airport Drive No. 1 in South Burlington, Vermont

Receiving Waters: Class II wetlands to Potash Brook

Manner of Discharge: S/N 001: Stormwater runoff from Taxiway 'K', which is an asphalt surface, via sheet flow to a grass swale, discharging to infiltration pipes and eventually into class II wetlands tributary to Potash Brook located on the south side of the airport service road.

Design: This project shall be constructed and operated in accordance with the site plans and details designed by CHA Companies
Sheet 1, "Title Sheet" dated 02/12/2021, last revised 02/12/2021;
Sheet 2, "Project Scope" dated 02/12/2021, last revised 02/12/2021;
Sheet 3, "Horizontal and Vertical Control Plan" dated 03/03/2021, last revised 03/03/2021;
Sheet 4, "General Notes", dated 03/03/2021, last revised 03/03/2021;
Sheet 5, "General Notes -2" dated 03/03/2021, last revised 03/03/2021;
Sheet 6, "Soil Boring Plan", dated 02/12/2021, last revised 02/12/2021;
Sheet 7, "Grading Plan", dated 06/11/2021, last revised 08/11/2021;
Sheet 8, "Profile Plan", dated 02/12/2021, last revised 02/12/2021;
Sheet 9, "Drainage Details", dated 02/12/2021, last revised 07/22/2021;
Sheet 10, "Erosion and Sediment Control Plan", dated 02/12/2021, last revised 07/22/2021;
Sheet 1 of 2, "Existing Conditions", dated 2/19/2021, last revised 07/22/2021;
Sheet 2 of 2, "Proposed Conditions", dated 2/19/2021, last revised 07/22/2021; and all supporting information.

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

Compliance with General Permit 3-9050 and this Authorization

The permittee shall comply with this authorization and all the terms and conditions of General Permit 3-9050, including the payment of annual operating fees to the Department. A billing statement for such fees will be sent to the permittee each year. An invoice for the first year's operating fee will be sent separately. Any permit non-compliance, including a failure to pay the annual operating fee, constitutes a violation of 10 V.S.A. Chapter 47 and may be grounds for an enforcement action or revocation of this authorization to discharge.

Construction of the Stormwater Management System:

The stormwater management system as described in the approved Design above shall be installed prior to the discharge of stormwater from any new or redeveloped impervious surface covered by this authorization. Where stormwater from existing impervious surface is being treated pursuant to "Site Balancing", per the Approved Design, the stormwater system treating such areas shall be installed prior to the discharge of stormwater from new or redeveloped impervious surface.

For any existing impervious surface covered by this authorization, except for existing impervious surfaces used for Site Balancing, as noted above, the stormwater management system as described in the approved Design above shall be installed no later than 9/29/2026.

Annual Inspection and Report

The stormwater management system shall be properly operated. The permittee shall submit an annual inspection report on the operation, maintenance and condition of the stormwater management system. The inspection report shall be submitted regardless of whether the project has been constructed. The inspection shall be conducted between the conclusion of spring snow melt and June 15th of each year and the inspection report shall be submitted to the Secretary by July 15th of each year, or by July 30th if performed by a utility or municipality pursuant to a duly adopted stormwater management ordinance. The inspection report shall note all problem areas and all measures taken to correct any problems and to prevent future problems. The online submittal system, ANR Online, can be accessed at <https://anronline.vermont.gov>.

Initial Statement of Compliance

An initial statement of compliance, signed by a designer, must be submitted to the Stormwater Management Program no later than 30 days following completion of construction of the stormwater management system. Forms for completing this requirement are available on the Stormwater Management Program's website. The online submittal system, ANR Online, can be accessed at <https://anronline.vermont.gov>.

Transferability

This authorization to discharge is not transferable to any person except in compliance with Part 8.4 of General Permit 3-9050. A copy of General Permit 3-9050 is available from the Department via the internet at https://dec.vermont.gov/sites/dec/files/wsm/stormwater/docs/2020_09_01%20Final%20GP%203-9050.pdf

Changes to Permitted Development

In accordance with Part 8.6. of General Permit 3-9050, the permittee shall notify the Department of any planned development or facility expansions or changes that may result in new or increased stormwater discharges. The Department shall determine the appropriateness of continued inclusion under General Permit 3-9050 by the modified development or facility.

Recording in Land Records

The permittee shall record in the local land records, within 30 days of issuance of this authorization, a one-page notice of permit coverage. A one-page notice form may be obtained from the Secretary. A copy of the recording shall be provided to the Secretary within 14 days of the permittee's receipt of a 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.

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.

Effective Date and Expiration Date of this Authorization

This authorization to discharge shall become effective on September 30, 2021 and shall expire on September 29, 2026. The permittee shall reapply for coverage prior to the expiration of this authorization.

Dated September 30, 2021.

Peter Walke, Commissioner
Department of Environmental Conservation

By:

A handwritten signature in black ink, appearing to read "Kevin Burke". The signature is written in a cursive style with a large, looped initial "K".

Kevin Burke, Environmental Analyst
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**

Permit/Authorization Number: **3028-9050**

911 Address of Property: **1200 Airport Drive No. 1, 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."

Can be Completed by Clerk or Permittee:
Please upload this completed form to ANR Online by visiting the following link
<https://anronline.vermont.gov>

VERMONT DEPARTMENT OF ENVIRONMENTAL CONSERVATION
AUTHORIZATION TO DISCHARGE UNDER
GENERAL PERMIT 3-9050

A determination has been made that the applicant(s):

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

Impervious Area: 0.86 acres

meets the criteria necessary for inclusion under General Permit 3-9050. Hereinafter, the named applicant shall be referred to as the permittee. Subject to the conditions of General Permit No. 3-9050, the permittee is authorized to discharge stormwater as described herein:

Project Name: BTV Terminal Integration Project

Project Location: 1200 Airport Drive #1 in South Burlington, Vermont

Receiving Waters: Potash Brook

Manner of Discharge: S/N 001: Stormwater runoff from the Terminal Integration Building rooftop will discharge to an existing drainage manhole with outlet control structure discharging to an infiltration system to BTV's drainage system discharging to Potash Brook.

Design: This project shall be constructed and operated in accordance with the site plans and details designed by Jacobs - BTV Terminal Integration Project (TIP)
Sheet D-1, "Pre Construction Plan", dated June 2021;
Sheet D-2, "Post Construction Plan", dated June 2021;
Sheet D-3, "Infiltration System Catchment Areas", dated June 2021;
Sheet D-4, "Infiltration System Plan", dated June 2021;
Sheet D-5, "Infiltration System Details", dated June 2021;
Edwards and Kelcey: Jacobs – 1-1391 Permit Application – South Apron Expansion;
Drawing No. 4.1, Sheet 13 of 34, "Grading and Drainage Plan", dated 8/18/99;
Drawing No. 4.6, Sheet 18 of 34, "Storm Drainage Treatment System", dated 8/18/99 (Revised 9/99 per Addendum #2);
Drawing No. 4.7, Sheet 19 of 34, "Infiltration and Storm Treatment System Details", dated 8/18/99;
Hoyle, Tanner & Associates – Terminal Integration Project:
Drawing No. C2.101, Sheet 4 of 10, "Proposed Utility Plan", dated February 2021;
Hoyle, Tanner & Associates – Construct Remain Overnight Apron:
Drawing No. BR1.1, Sheet 40 of 41, "Boring Logs Sheet 1 of 2", dated March 2020;
Drawing No. BR1.2, Sheet 41 of 41, "Boring Logs Sheet 2 of 2", dated March 2020; and all supporting information.

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

Compliance with General Permit 3-9050 and this Authorization

The permittee shall comply with this authorization and all the terms and conditions of General Permit 3-9050, including the payment of annual operating fees to the Department. A billing statement for such fees will be sent to the permittee each year. An invoice for the first year's operating fee will be sent separately. Any permit non-compliance, including a failure to pay the annual operating fee, constitutes a violation of 10 V.S.A. Chapter 47 and may be grounds for an enforcement action or revocation of this authorization to discharge.

Construction of the Stormwater Management System:

The stormwater management system as described in the approved Design above shall be installed prior to the discharge of stormwater from any new or redeveloped impervious surface covered by this authorization. Where stormwater from existing impervious surface is being treated pursuant to "Site Balancing", per the Approved Design, the stormwater system treating such areas shall be installed prior to the discharge of stormwater from new or redeveloped impervious surface.

For any existing impervious surface covered by this authorization, except for existing impervious surfaces used for Site Balancing, as noted above, the stormwater management system as described in the approved Design above shall be installed no later than 8/10/2026.

Annual Inspection and Report

The stormwater management system shall be properly operated. The permittee shall submit an annual inspection report on the operation, maintenance and condition of the stormwater management system. The inspection report shall be submitted regardless of whether the project has been constructed. The inspection shall be conducted between the conclusion of spring snow melt and June 15th of each year and the inspection report shall be submitted to the Secretary by July 15th of each year, or by July 30th if performed by a utility or municipality pursuant to a duly adopted stormwater management ordinance. The inspection report shall note all problem areas and all measures taken to correct any problems and to prevent future problems. The online submittal system, ANR Online, can be accessed at <https://anronline.vermont.gov>.

Initial Statement of Compliance

An initial statement of compliance, signed by a designer, must be submitted to the Stormwater Management Program no later than 30 days following completion of construction of the stormwater management system. Forms for completing this requirement are available on the Stormwater Management Program's website. The online submittal system, ANR Online, can be accessed at <https://anronline.vermont.gov>.

Transferability

This authorization to discharge is not transferable to any person except in compliance with Part 8.4 of General Permit 3-9050. A copy of General Permit 3-9050 is available from the Department via the internet at https://dec.vermont.gov/sites/dec/files/wsm/stormwater/docs/2020_09_01%20Final%20GP%203-9050.pdf

Changes to Permitted Development

In accordance with Part 8.6. of General Permit 3-9050, the permittee shall notify the Department of any planned development or facility expansions or changes that may result in new or increased stormwater discharges. The Department shall determine the appropriateness of continued inclusion under General Permit 3-9050 by the modified development or facility.

Recording in Land Records

The permittee shall record in the local land records, within 30 days of issuance of this authorization, a one-page notice of permit coverage. A one-page notice form may be obtained from the Secretary. A copy of the recording shall be provided to the Secretary within 14 days of the permittee's receipt of a 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.

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.

Effective Date and Expiration Date of this Authorization

This authorization to discharge shall become effective on August 11, 2021 and shall expire on August 10, 2026. The permittee shall reapply for coverage prior to the expiration of this authorization.

Dated August 11, 2021.

Peter Walke, Commissioner
Department of Environmental Conservation

By: 

Kevin Burke, Environmental Analyst - 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**

Permit/Authorization Number: **3028-9050.1**

911 Address of Property: **1200 Airport Drive #1, 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."

Can be Completed by Clerk or Permittee:
Please upload this completed form to ANR Online by visiting the following link
<https://anronline.vermont.gov>

**BURLINGTON INTERNATIONAL
AIRPORT**

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

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

April 1, 2022

Appendix H

**Pollution Prevention and Good Housekeeping
(MCM #6)**

**Field Inspection Maintenance
Recommendations**

2021 Summary

Summary of Maintenance Recommendations

Tasks to be performed as recommended maintenance tasks are shown in the tables below. As part of the May/June 2021 inspections, EIV reviewed the status of maintenance recommendations made during the 2020 maintenance recommendations. Those items that were not completed are noted in the Summary of Maintenance Recommendations for 2021 as 'Pending' with a revised anticipated completion date.

Some of the recommended maintenance items are currently inside construction zones, specifically Taxiway G and Apron phases 6A, 7.1, and 7.2.

Items shown in the boxes below with a strike-through have been completed during the past warm weather season. Items still open are shown without a strike through and are scheduled for the upcoming 2022 construction season.

FROM THE STORMWATER PERMIT ANNUAL INSPECTION MAY 2020	ANTICIPATED COMPLETION DATE
SEDIMENT ISSUES: remove sediment from the following:	
S1.047.2.2 inside car wash area	2021

FROM THE STORMWATER PERMIT ANNUAL INSPECTION MAY 2021	ANTICIPATED COMPLETION DATE
SEDIMENT ISSUES: remove sediment from the following:	
S3.031.1, near southerly end of main building, 3060 Valley Road	2021
S3.028.1, At low point of Valley Road	2021
S3.028.0, At low point of Valley Road	2021
S1.039.0, Employee and long term parking lot	2021
S1.057, Airport Loop Road, northerly sky walk	2021
S1.058.1, Airport Loop Road, end of taxi lane	2021
S1.060.2, Airport Loop Road, just south of southerly sky walk	2021
S1.051, FAA compound, parking area	2021
S1.053.0, Northerly end of Main Apron	2021
S1.028, Main Apron trench drain	2022
S1.030, Main Apron trench drain	2022
S1.032, Main Apron trench drain	2022
S1.033, Main Apron trench drain	2022
S4.011.3 North of T/W Charlie, west of T/W Kilo	2021
S1.064.2.1, At start of Airport Loop Road	2021
S1.064.3, In the Building 6 parking lot, in construction area	2022
S2.035, In parking lot south of Tee Hangar	2021

FROM THE STORMWATER PERMIT ANNUAL INSPECTION MAY 2020	ANTICIPATED COMPLETION DATE
VEGETATION, DEBRIS, OR TRASH ISSUES:	
-S3.040, in bowl near Flight Academy, Valley Road, remove trash	2021

FROM THE STORMWATER PERMIT ANNUAL INSPECTION MAY 2021	ANTICIPATED COMPLETION DATE
VEGETATION, DEBRIS, OR TRASH ISSUES:	
-S3.027, Near high point of Valley Road	2021

FROM THE STORMWATER PERMIT ANNUAL INSPECTION MAY 2020	ANTICIPATED COMPLETION DATE
GRADING AND SINKHOLE ISSUES:	
-all completed in 2020	

FROM THE STORMWATER PERMIT ANNUAL INSPECTION MAY 2021	ANTICIPATED COMPLETION DATE
GRADING AND SINKHOLE ISSUES:	
-no issues encountered during 2021 inspection	

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 STORMWATER PERMIT ANNUAL INSPECTION MAY 2021	ANTICIPATED COMPLETION DATE
ACCESS ISSUES:	
-S1.041.1, Employee and long term parking lot, can't open, rim bent	2022
-S3.009.2, In the grass easterly of Heritage Aviation inside fence, can't open cover	2022
-S3.009.6.1, Between Aviation Support Hangar and Heritage 890, rim bent	2022
-S3.009.6.3, Between Aviation Support Hangar and Heritage 890, rim bent	2022
-S3.029.1, In parking/drive at 3060 Valley Road buildings, cover paved over	2022
-S1.024.1, NOTE2/Main Apron, cover partially paved over	2022
-S1.058.0, Airport Loop Road, end of taxi lane, could not open	2022
-S1.059, Airport Loop Road, could not open	2022

**BURLINGTON INTERNATIONAL
AIRPORT**

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

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

April 1, 2022

Appendix I

Annual Flow Restoration Plan (FRP) Report

April 1, 2022
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, 2021 through April 1, 2022. 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 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.

Reference:
Burlington International Airport (BTV)
General Permit 3-9014 (2018) MS4
Annual Flow Restoration Report for Permit No. 7021-9014.A2R

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*

Reference:
 Burlington International Airport (BTV)
 General Permit 3-9014 (2018) MS4
 Annual Flow Restoration Report for Permit No. 7021-9014.A2R

April 1, 2022 FRP Status Update:

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 six (6) 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
3028-9050 (dated September 30, 2021)	Taxiway K
3028-9050.1 (dated August 11, 2021)	Terminal Integration

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

Reference:
Burlington International Airport (BTV)
General Permit 3-9014 (2018) MS4
Annual Flow Restoration Report for Permit No. 7021-9014.A2R

3028-9015.2	3845-9010	3845-9015.1
1-0839 (Formerly Expired)	1-1391 (Formerly Expired)	

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. The City of South Burlington continues to maintain and inspect this project location.
- **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.

Reference:
Burlington International Airport (BTV)
General Permit 3-9014 (2018) MS4
Annual Flow Restoration Report for Permit No. 7021-9014.A2R

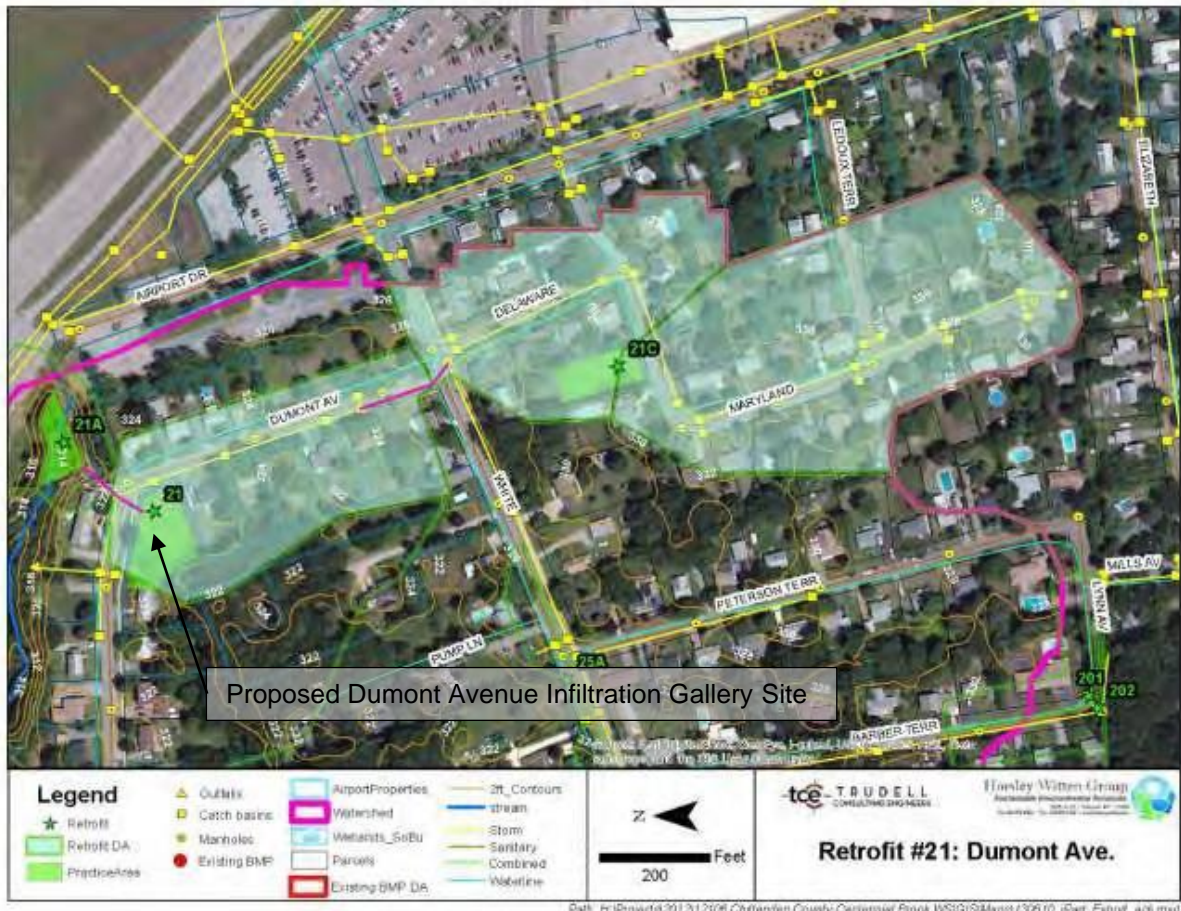
The proposed project includes the design and construction of a new stormwater infiltration gallery to be sited on a single parcel of land that is currently owned and controlled by BTV. Overflow discharge from the infiltration gallery is proposed to be to an existing stormwater detention basin located 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.

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.

Reference:
Burlington International Airport (BTV)
General Permit 3-9014 (2018) MS4
Annual Flow Restoration Report for Permit No. 7021-9014.A2R



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 have included the idea of removing pavement there and will continue in the future.

Reference:
Burlington International Airport (BTV)
General Permit 3-9014 (2018) MS4
Annual Flow Restoration Report for Permit No. 7021-9014.A2R

Potash Brook FRP:

- **South Burlington ID PB0009:** The Airport Drive and Airport Rd Infiltration Gallery will be located in the southernmost lot where houses were 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. Project design has not been finalized but is expected to be completed in 2022. Construction is expected to begin in 2023.



Proposed Airport Drive Infiltration System location and site plan (photo provided by the City of South Burlington)

Reference:
Burlington International Airport (BTV)
General Permit 3-9014 (2018) MS4
Annual Flow Restoration Report for Permit No. 7021-9014.A2R



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, 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.

Reference:
Burlington International Airport (BTV)
General Permit 3-9014 (2018) MS4
Annual Flow Restoration Report for Permit No. 7021-9014.A2R

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, 2022 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.

The website is actively collecting data, but summary data has not yet been completed.

Reference:
 Burlington International Airport (BTV)
 General Permit 3-9014 (2018) MS4
 Annual Flow Restoration Report for Permit No. 7021-9014.A2R

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. Stone Environmental will be presenting a final report of their findings from this study in 2022 which will be summarized in BTV’s MS4 for the 2022 reporting year.

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, 2022
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

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, 2022 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)

Flow Restoration Plan: Attachment #1



Revised April 1, 2022

Burlington International Airport Operational Stormwater Permit Summary (INDS)						
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	No
2	1-1391	South Apron Expansion (Vortechs unit)	12/9/1999	9/30/2004	Yes	No
3	1-0839	Redirect Airfield Drainage to North Outfall	6/11/1990	3/31/1995	Yes	No
4	3028-9010.2	Reconstruct TW B & C; Relocate TW J; Construct TW G (Muddy Brook discharge)	11/5/2015	11/5/2025	Yes	No
5	3028-INDS.AR	Reconstruct TW B & C; Relocate TW J; Construct TW G (Potash Brook discharge)	12/4/2015	12/4/2020	Yes	No
6	3028-9010.1	Reconstruct Mark & Groove Runway 15-33 See Note below for S/N coverage.	8/13/2015	8/13/2025	Terminated	No
7	3845-9010	Heritage Flight Aviation Campus Expansion	8/13/2015	8/13/2025	Yes	No
8	3028-9015.1	Quarry Area Access Road	11/20/2012	11/20/2022	Yes	No
9	3028-INDS.3	Aircraft Sewage Receiving Station	9/4/2013	9/4/2018	Yes	No
10	3028-9015.2	Construct, Mark and Light Taxiway "G"/"K"	5/27/2015	5/27/2025	Yes	No
11	3845-9015.1	Heritage Aviation Parking Lot	8/25/2015	8/25/2025	Yes	No
12	3028-INDS.4	BTV Consolidated Car Rental Facility	7/19/2016	7/19/2021	Yes	No
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	3105-INDS.1	Air National Guard, VTANG Taxiway F and D Widening, North and South Arm/Pad, Apron Repair	12/19/2017	12/19/2022	No	No
17	3028-9015.4	BTV Hotel	8/29/2019	8/28/2024	No	No
18	3028-INDS.8	Heritage Flight Hangar Addition	4/28/2020	4/27/2025	No	No
19	3028-INDS.9	Remain Overnight Apron (Phase 7)	6/9/2020	6/8/2025	No	No
20	3028-INDS.10	BETA Hangar Site	9/28/2020	9/27/2025	No	No
21	3028-9050	Taxiway K	9/30/2021	9/29/2026	No	No
22	3028-9050.1	Terminal Integration	8/11/2021	8/10/2026	No	No

	Acquired in 2015
	Acquired in 2016
	Acquired in 2017
	Acquired in 2018
	Acquired in 2019
	Acquired in 2020
	Acquired in 2021
	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.