

**AGENCY OF NATURAL RESOURCES
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

**PROCEDURE FOR DETERMINING WHETHER A QUARRY
THAT CONTAINS WATER IS A WATER
OF THE STATE AND/OR WETLAND**

May 21, 2008

Background

Vermont has long been home to an active mineral extraction industry, including dimensional stone and slate quarries, and gravel pits. Due to periodic economic fluctuations in these industries, quarries periodically shut down or are abandoned. As particular economic conditions improve, businesses often seek to reopen and reuse these quarries, either for the purpose of extracting materials or for the purpose of receiving waste materials from the extraction process. In the intervening period of time these quarries may fill with water that is introduced from sub-surface springs, direct interception of precipitation and surface runoff. When an existing quarry is proposed for reopening and reuse, the Agency must determine whether water contained within the quarry constitutes a water of the state or a significant wetland. If determined to be a water of the state or a significant wetland, the quarry may be subject to various Agency permits (for example, direct discharge, wetland, stormwater, etc). This procedure has been written to guide the Agency in making these determinations of whether a quarry with existing water or mapped on the Vermont State Wetlands Inventory maps (VSWI) is either a water of the state or significant wetland.

Procedure

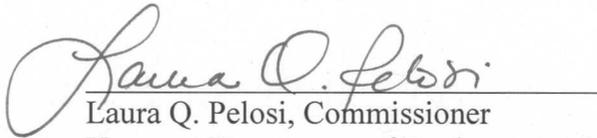
The Vermont Water Quality Standards (WQS) define waters to “include all rivers, streams, creeks, brooks, reservoirs, ponds, lakes, springs and all bodies of surface waters, artificial or natural, which are contained within, flow through or border upon the State or any portion of it.” However, the WQS limit the application of the standards in certain cases involving artificial bodies of waters that either were not originally created in waters or did not result from impoundment of waters, such as snowmaking ponds and wastewater treatment systems.

In consideration of these issues, the Secretary has made the following determinations:

1. An existing quarry that contains standing water resulting entirely from groundwater infusion, precipitation and/or surface runoff (i.e. an “isolated” quarry) will not be considered a water of the state.
2. A quarry that has an outflow that reaches water of the state but does not have an inflow of water of the state is not considered to be a water of the state.
(Note: While this kind of quarry itself is not a water of the state, if waste is discharged to this kind of quarry and the outflow reaches a water of the state, the outflow from the quarry may need a direct discharge permit)

3. A quarry that has a stream, creek, brook, or other water of the state flowing into it will be considered a water of the state.
4. A quarry that has both an inflow of waters of the state and an outflow to a water of the state will be considered a water of the state.
5. Quarries that are not waters of the state will not be considered significant wetlands for purposes of regulation under the Vermont Wetland Rules.

The Secretary will review the facts of a proposed project on a case-by-case basis to determine the status of a given quarry.



Laura Q. Pelosi

Laura Q. Pelosi, Commissioner
Vermont Department of Environmental Commissioner