

STATE OF VERMONT  
AGENCY OF NATURAL RESOURCES  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

**DISCHARGE PERMIT**

STORMWATER RUNOFF TO WATERS OF THE STATE

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

MIDDLEBURY DEVELOPMENT CORPORATION  
2464 CASE STREET  
MIDDLEBURY, VERMONT 05753

the permittee, is hereby granted permission to discharge stormwater runoff from the VT Industrial Park project located on Pond Lane in Middlebury, Vermont, to an Unnamed Tributary of the Otter Creek.

1. **Expiration Date: Five years from issuance date of final permit.** Note: This permit, unless revoked, modified or suspended, shall be valid until the designated expiration date notwithstanding any intervening change in water quality, effluent, or treatment standards, or classification of the receiving waters including groundwater. However, any such changed standard or classification shall be applied in determining whether or not to renew the permit pursuant to 10 V.S.A. §1263 and §1264.

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

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

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shall impose conditions as the Secretary deems necessary for regulating the discharges of a permittee whose permit has been revoked, modified or suspended.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

3. **Operating Fees:** This discharge is subject to operating fees under 3 V.S.A. §2822. The permittee shall submit the operating fees to the Agency in accordance with procedures provided by the Secretary.

4. Transfer of Permit: This permit is not transferable without prior written approval of the Secretary. Provided all applicable fees under 3 V.S.A. §2822 have been paid, a permittee may transfer this permit by submitting a notice of transfer to the Secretary. The notice shall be submitted at least thirty (30) days prior to the proposed date of transfer. The notice shall state that the prospective permittee has adequate funding to comply with this permit. The permittee shall provide a copy of this permit to the new owner or tenant and inform him of the responsibility to make application for a permit which shall be issued in his name. Any failure to do so shall be considered a violation of this permit.
5. Right of Entry: The permittee shall allow the Secretary, or his or her authorized representatives, at reasonable times, upon presentation of credentials, to enter upon and inspect the permitted premises and the stormwater collection, treatment and control system and to sample any discharge to determine compliance with this permit and to have access to and inspect and copy any records required to be kept pursuant to this permit.
6. Receiving Waters: Unnamed Tributary of the Otter Creek
7. Manner of Discharge:  
S/N 001: Stormwater runoff from rooftop will be disconnected per the restrictions as outlined below. Stormwater runoff from access roads and parking will be conveyed via overland flow through grassed swales, a sediment forebay to an existing detention pond with a controlled outlet structure discharging via overland flow to an Unnamed Tributary of the Otter Creek.

This discharge permit incorporates an additional 11.5 acres of impervious area, in addition to the original 30 acres of impervious area as permitted under General Permit 3-9010 issued to Middlebury Development Corporation on March 18, 2003. This additional 11.5 acres of impervious area must incorporate the following specific minimum criteria, which are not yet detailed in the approved design:

The project is reviewed in accordance with the Natural Area Conservation Credit and Disconnection of Rooftop Runoff Credit sections of The Vermont Stormwater Management Manual Volume I (April 2002).

*Criteria for Natural Area Credit (Section 3.1, page 3-2):*

To receive the credit, the proposed conservation area:

- Cannot be disturbed during project construction (i.e. cleared or graded, except for temporary disturbances for utility construction).
- Must be protected by limits of disturbance clearly shown on all construction drawings.
- Must be maintained in the natural vegetative state and restricted from development and disturbance for the life of the applicable stormwater permit (Note: managed turf is not an acceptable form of vegetation management).

*Disconnection of Rooftop Runoff Credit (Section 3.2, page 3-3)*

## Restrictions on the Credit:

- Disconnection must be designed to adequately address the issue of basement seepage.
- The contributing length of rooftop to a discharge location shall be 75 feet or less.
- The rooftop contributing area to any one discharge location cannot exceed 1,000 ft<sup>2</sup>.
- The length of the “disconnection” shall be equal to or greater than the contributing rooftop length.
- Disconnections will only be credited for residential lot sizes greater than 6,000 sq. ft.
- The entire vegetative “disconnection” shall be on a slope less than or equal to 5.0%.
- Where provided, downspouts must be at least 10 feet away from the nearest impervious surface to discourage “re-connections”.
- Where a gutter/downspout system is not used, the rooftop runoff must drain as either sheetflow from the structure or drain to a subsurface drain field that is not directly connected to the drainage network.
- Disconnections are encouraged on relatively permeable soils (HSG A and B); therefore, no soil evaluation is required.
- In less permeable soils (HSG C and D), the water table depth and permeability shall be evaluated by a professional engineer to determine if a spreading device is needed to provide sheetflow over grass surfaces. In some cases, dry wells (See figure 3.1 in the Manual), French drains or other temporary underground storage devices may be needed to compensate for a poor infiltration capability.

*Open Channel Conveyance Required Elements (page 2-57):*

- The peak velocity for the 1-year storm must be non-erosive (see Appendix D7 of the Vermont Stormwater Management Manual)
- Open channels shall be designed to safely convey the 10-year storm with a minimum of 6 inches of freeboard.
- The maximum allowable temporary ponding time within a channel shall be less than 40 hours.
- Channels shall be designed with moderate side slopes (flatter than 3:1) for most conditions. 2:1 is the absolute maximum side slope.
- Size grass channels using Manning’s equation (NRCS, 1986, Claytor and Schueler, 1996). Use an “n” value of 0.15 for flow depths of 4” or smaller, and linearly decrease to 0.03 for a depth of 12” (See Appendix D7 of the Vermont Stormwater Management Manual, Figure D7.1)

8. Wastes Permitted: Stormwater runoff from the rooftop, parking lots and access roads of an industrial park after treatment from overland flow, grassed swales, a sediment forebay and detention pond in conjunction with a natural conservation area and rooftop disconnection.
9. Volumes Permitted and Frequency of Discharge: Such volumes and frequency as required by the discharge specified in #7 above.

10. Approved Project Design: This project shall be constructed and operated in accordance with the Otter Creek Engineering, Incorporated site plans and details (Sheet "General Site Plan 1" dated 1/24/03; Sheet "Site Plan 1" dated 5/2/02, revised 6/10/02; and supporting information).

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

11. Maintenance and Maintenance Reporting Requirements:

- a. The basins, swales, and related stormwater collection, treatment and control system shall be maintained in good operating condition at all times and **shall be inspected semi-annually and cleaned as necessary to maintain design specifications**. The inspections shall include one in the spring after snowmelt, and one in the fall prior to snow fall.
- b. Any sediment removed from the swales or basins shall be disposed of properly in accordance with state and federal statutes and regulations.
- c. **By September 30 of each year the permittee shall submit a written report** to the Department of Environmental Conservation, Water Quality Division, Building 10 North, 103 South Main Street, Waterbury, Vermont 05671-0408. This report shall include, at a minimum:
  - i. the dates and details of any cleaning and maintenance operations carried out in the preceding year;
  - ii. a narrative summarizing the results of any inspections conducted in the preceding year and highlighting any stormwater related problems encountered, and all remedial steps taken in response;
- d. Should any erosional problems occur, the permittee is required to immediately correct any such problems.
- e. Any basins, swales, or related stormwater devices used during construction for erosion control shall be inspected and cleaned to design specifications immediately after construction has been completed.

12. Personnel and Training Requirements: Such personnel and training as necessary to fulfill the requirements of #11 above.

13. Monitoring and Reporting Requirement: No monitoring required; reporting requirement as specified in #11 above.

14. Other Requirements:

- a. Treated stormwater runoff is the only waste authorized for disposal under the terms and conditions of this permit. The discharge of any hazardous materials or hazardous waste into the stormwater management system is prohibited.
- b. The issuance of this permit does not relieve the permittee from obtaining authorization to discharge stormwater runoff from the construction site pursuant to 40 CFR 122.26, if applicable.

15. Adverse Impact: These discharges shall not cause or contribute to conditions that would have an undue adverse effect on the composition of the aquatic biota, the physical or chemical nature of the substrate, species composition, or the propagation of fishes. If information is obtained during the term of this permit which indicates that the discharges authorized by this permit cause or contribute to violations of the Water Quality Standards, then this permit may be amended to require implementation of additional stormwater treatment and control measures.

16. Dated at Waterbury, VT this \_\_\_\_\_ day of \_\_\_\_\_, 2003

Jeffrey Wennberg, Commissioner  
Department of Environmental Conservation

By \_\_\_\_\_  
Wallace McLean, Director  
Water Quality Division

TRANSFER APPLICATION

I, \_\_\_\_\_, hereby apply for permission to discharge waste into the waters of the State of Vermont under the provisions of Discharge Permit No. 1-1559 previously issued to Middlebury Development Corporation.

Signed: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Telephone: \_\_\_\_\_

