

**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 the Minimum Control Measure attachments must be completed and a complete Stormwater Management Program (SWMP) Plan must be submitted.

**A. Permittee Information**

Name of MS4: City of Burlington

Name of Principle Executive Officer (PEO) or Chief Elected Official (CEO): Miro Weinberger Title: Mayor

Mailing Address:  
Street/P.O. Box: 149 Church Street

City/Town: Burlington State: VT Zip: 05401

Phone: 802.865.7272 Email: miro@burlingtonvt.gov

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

Name: Megan J. Moir, CPESC, CPSWQ

Mailing Address:  
Street/P.O. Box: P.O. Box 878

City/Town: Burlington State: VT Zip: 05402

Phone: 802.540.1748 Email: mmoir@burlingtonvt.gov

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

If you are participating in the CCRPC MOU to implement MCM1 &/or MCM2 check here: ☒ MCM 1  
Or, if you are relying on another entity to implement a MCM, please complete the following: ☒ MCM 2

Organization: \_\_\_\_\_ Contact: \_\_\_\_\_

Minimum Control Measure being implemented: \_\_\_\_\_

Mailing Address:  
Street/P.O. Box: \_\_\_\_\_

City/Town: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Organization: \_\_\_\_\_ Contact: \_\_\_\_\_

Minimum Control Measure being implemented: \_\_\_\_\_

Mailing Address:  
Street/P.O. Box: \_\_\_\_\_

City/Town: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

**D. Municipal Separate Storm Sewer System (MS4) Information**Estimate of the square mileage served by the MS4: 2.9+ (to be verified in permit cycle)

Identify the names of all know waters that receive a discharge from the MS4:

Receiving water	# of outfalls	Impaired status	Nature of impairment
Lake Champlain	30	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Phosphorus
Winooski River	17	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Englesby Brook	12	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Stormwater, Bacteria
Centennial Brook	7	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Stormwater
Potash Brook	1+	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Stormwater
Winooski River via Intervale Wetland	9	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
		<input type="checkbox"/> Yes <input type="checkbox"/> No	
		<input type="checkbox"/> Yes <input type="checkbox"/> No	
		<input type="checkbox"/> Yes <input type="checkbox"/> No	
		<input type="checkbox"/> Yes <input type="checkbox"/> No	
		<input type="checkbox"/> Yes <input type="checkbox"/> No	

**E. Stormwater Impaired Waters Information**Does the MS4 discharge into a stormwater impaired water? ☒ Yes ☐ No

If yes, the MS4 must comply with all requirements listed in Part IV.C. of the permit, including the requirement to develop a Flow Restoration Plan (FRP) for the stormwater impaired water.

**F. 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.

Name: Steve Goodkind Title: Director of Public WorksSignature:  Date: 4/13**Submit this *Original* form and the \$1320 fee to:**

MS4 Permit Coordinator  
VTDEC · Watershed Management Division  
Stormwater Management Program  
One National Life Drive  
Montpelier, Vermont 05620-3522



## Instructions for Public Comment, Public Hearings, and Appeals

### PUBLIC COMMENT

Public comments concerning this Notice of Intent to discharge under General Permit No 3-9014 and the accompanying Stormwater Management Plan (SWMP) are invited and must be submitted within 10 days of receipt of this Notice by the Municipal Clerk. Comments should address how the application complies or does not comply with the terms and conditions of General Permit No. 3-9014. A letter of interest should be filed by those persons who elect not to file comments but who wish to be notified if the comment period is extended or reopened for any reason. All written comments received within the time frame described above will be considered by the Department of Environmental Conservation in its final ruling to grant or deny authorization to discharge under General Permit No. 3-9014.

All submitted NOIs and SWMPs can be found on the Stormwater Program's website at:  
[http://www.vtwaterquality.org/stormwater/html/sw\\_ms4.htm](http://www.vtwaterquality.org/stormwater/html/sw_ms4.htm)

Send written comments to: VT DEC, Watershed Management Division  
Stormwater Management Program, MS4 Permit Coordinator  
One National Life Drive  
Montpelier, VT 05620-3522

### PUBLIC HEARING REQUEST

During the notice period, any person may submit a written request to this office for a public hearing to consider the proposed permit authorization. The request must state the interest of the party filing such request and the reasons why a hearing is warranted. A hearing will be held if there is a significant public interest (including the filing of requests or petitions for such hearing) in holding such a hearing. If the Secretary determines that useful information and data may be obtained thereby, the Secretary may hold a public hearing any time prior to the issuance of the authorization. Notice of a public hearing will be circulated 30 days prior to the hearing. (40 C.F.R. § 124.12 and Vermont Water Pollution Control Permit Regulations, Chapter 13.3G)

### APPEALS

Pursuant to 10 V.S.A. Chapter 220, any appeal of this decision must be filed with the clerk of the Environmental Court within 30 days of the date of the decision. The 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 further information, see the Vermont Rules for Environmental Court Proceedings, available on line at [www.vermontjudiciary.org](http://www.vermontjudiciary.org). The address for the Environmental Court is 2418 Airport Road, Suite 1, Barre, VT 05641 (Tel. # 802-828-1660)

A copy of General Permit No. 3-9014 may be obtained by calling (802) 490-6173; by visiting the Department at the above address between the hours of 7:45 am and 4:30 pm; or by downloading from the Watershed Management Division's Web site at [www.vtwaterquality.org](http://www.vtwaterquality.org).

## Attachment A: Selected Minimum Control Measures

BMP ID	Public Education	Responsible Dept. or Person	Measurable Goal
1-1	Maintain SW website	RSEP	# of website visitors
1-2	Participate in RSEP, other regional SW ed. strategy, or submit individual plan	BSWMP, RSEP	# of media impressions

## Attachment A: Selected Minimum Control Measures

BMP ID	Public Participation	Responsible Dept. or Person	Measurable Goal
2-9	Participate in the Chittenden County Stream Team	BSWMP, CCST	# of CCST website visits; # of participants in workshops/involvement opportunities
Implement a program that includes at least 3 of the following:			
2-5	Sponsor periodic community stream corridor clean-up days	BSWMP, CEDO	# of participants in stream clean-up/green-up projects; # tons of trash collected

## Attachment A: Selected Minimum Control Measures

BMP ID	Illicit Discharge Detection & Elimination	Responsible Dept. or Person	Measurable Goal
3-1	Develop and enforce a program to detect and eliminate illicit discharges	BSWMP	See 3-7; monitor outfalls at least twice/permit cycle
3-2	Develop and maintain storm sewer GIS or AutoCAD map	BSWMP	Progress on delineation of subwatersheds; progress on development of workflow/methods for maintaining updated GIS
3-3	Develop and enforce illicit discharge ordinance	BSWMP	Already implemented
3-4	Develop and implement illicit discharge detection plan, focus on impaired waters and random dumping	BSWMP	Progress on completion of hot-spot surveys
3-5	Inform public of illicit discharge and disposal hazards	BSWMP (possibly RSEP, CCST)	Progress on development/acquisition/distribution of informational materials and education/outreach efforts
3-6	Address specific categories of illicit discharges, if necessary	BSWMP	Progress on addressing specific categories of illicit discharges; regulatory review to determine if amendment is needed in Chapter 26
3-7	Prepare annual report of monitoring and corrective actions taken	BSWMP	# of outfalls tested, # of illicit connections/discharges found and corrected.

## Attachment A: Selected Minimum Control Measures

BMP ID	Construction Site Runoff Control	Responsible Dept. or Person	Measurable Goal
4-1	Develop and implement procedures to ensure MS4 construction activities are properly permitted	BSWMP	Completed
4-2	Review existing MS4 regulations for effectiveness in managing construction-related E&S and consistency with state construction permit	BSWMP	Completed
4-2a	Adopt E&S requirements that are at least as stringent as state requirements	BSWMP	Completed
4-3	Develop and implement an erosion control ordinance that regulates development not subject to state permitting	BSWMP, P&Z	# of projects reviewed and approved; # of general site inspections completed

## Attachment A: Selected Minimum Control Measures

BMP ID	Post Construction Runoff Control	Responsible Dept. or Person	Measurable Goal
5-1	Review existing MS4 regulations for effectiveness in managing stormwater runoff and consistency with state operational permit	BSWMP	Completed; ongoing implementation of program
5-1a	Assess changes to regulations to support LID	BSWMP, P&Z	Completed
5-1b	Assess changes to regulations to minimize impervious surface through street & parking lot design	BSWMP, Public Works,P&Z	Completed
5-1c	Adopt requirments that are at least as stringent as state requirements	BSWMP	In place, see Chapter 26; report # of projects reviewed and approved; # of post construction inspections; # of review of post construction system inspection reports; progress on development of Burlington Stormwater Management Manual; progress on development and implementation of maintenance agreement/easement recording process.
For development and redevelopment that disturbs $\geq 1$ acre but is not subject to state permitting:			
5-2	Develop and implement procedures to identify the development	BSWMP	Procedure in place; ongoing implementation
5-3	Develop and implement an ordinance that regulates the development	BSWMP	Ordinance in place; ongoing implementation
5-4	Develop and implement inspection procedures for the development	BSWMP	Ordinance provides for inspection authority; # of inspections performed
5-5	Develop and implement procedures to ensure MS4 development activites are properly permitted	BSWMP	Procedure in place



## Attachment A: Selected Minimum Control Measures

BMP ID	Pollution Prevention & Good Housekeeping	Responsible Dept. or Person	Measurable Goal
6-1	Describe operation and maintenance program for reducing pollutant runoff from MS4 operations, including, at a minimum:	BSWMP, Right of Way Services, all city departments	See below:
6-1a	New construction and land disturbance	BSWMP	Progress in the development of a "general" EPSC plan/protocol and identification of situations when more formal EPSC plan is needed; # of trainings; Status of distribution of informational materials to other City Departments
6-1b	Maintenance of fleet and buildings, all municipal garages, parks, open space, construction and maintenance practices for gravel backroads, snow disposal and stormwater systems	BSWMP, Right of Way Services, Parks & Rec	Documentation of Parks & Rec policy related to chemical application and storage, phosphorus fertilizer prohibition and erosion control; # of dog bag stations, # of dog bags distributed;
6-1c	Training, maintenance schedules, and inspection procedures for long term structural controls	BSWMP, Right of Way Services	# of catch basins cleaned and repaired; # of tons of material collected from catch basins and street sweeping activities, # of linear feet of pipe inspected, repaired; Progress on Outfall Inspections and Capital Improvement Process
6-1d	For municipal facilities where fertilizers are applied, prohibit the use of fertilizers containing phosphorus (unless warranted by a soil test)	BSWMP, Parks & Rec	prohibition of use of Phosphorus fertilizer without soil test; copies of any soil tests performed to validate use of Phosphorus fertilizer
6-2	For Municipal garages, an MS4 may participate in ANR's Municipal Compliance Assistance Program	BSWMP, Public Works	performance of the MCAP or equivalent audit; any resulting improvements made in response to the audit
6-3	Provide a list of all industrial facilities that the MS4 owns or operates that are subject to the MSGP	BSWMP, Public Works, BED	list of MSGP facilities; compliance with MSGP

## Attachment B: Minimum Control Measure Implementation Timeframe

BMP ID	Permit Year One				Permit Year Two				Permit Year Three				Permit Year Four				Permit Year Five				Next Permit
	Spring 2013	Summer 2013	Fall 2013	Winter 2013-2014	Spring 2014	Summer 2014	Fall 2014	Winter 2014-2015	Spring 2015	Summer 2015	Fall 2015	Winter 2015-2016	Spring 2016	Summer 2016	Fall 2016	Winter 2016-2017	Spring 2017	Summer 2017	Fall 2017	Winter 2017	
Public Education																					
1-1																					
1-2																					
Public Participation																					
2-9	Ongoing participation in CCST																				
2-5	GUD				GUD				GUD				GUD				GUD				
Illicit Discharge Detection & Elimination																					
3-1	Outfalls monitored twice during permit cycle																				
3-2	GIS updates ongoing				Completion of outfall GPS; subwshed delineation for SW impaired wsheds				GIS Updates on-going				GIS updates on-going				Completion of all subwshed delineations				
3-3	Ordinance already developed				Ongoing enforcement				Ongoing enforcement					Ongoing enforcement				Ongoing enforcement			
3-4					Hot Spot surveys completed for SW Impaired Watersheds												Hot Spot Surveys complete for all subwsheds				
3-5	Ongoing				Ongoing				Ongoing				Ongoing				Ongoing				
3-6		Complete Regulatory Review			Amendment to Chapter 26 if necessary																
3-7					Reporting				Reporting				Reporting				Reporting				

## Attachment B: Minimum Control Measure Implementation Timeframe

[illegible]