

Vermont Department of Environmental Conservation

Water Quality Division
103 South Main Street, Building 10 North
Waterbury, VT 05671-0408

Agency of Natural Resources

[phone] 802-241-3770

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July 2, 2009

John Doe
123 Main Street
Anytown, VT 99999

Re: Property located at in **123 Main Street, Anytown, VT** discharging to **Potash Brook**

To Whom It May Concern:

I am writing to inform you of a recent court decision that may affect your property. On August 28, 2008, the Vermont Environmental Court, in response to a Conservation Law Foundation petition, ordered the Vermont Agency of Natural Resources (VTANR) to designate existing unregulated stormwater discharges in Bartlett, Centennial, Englesby, Morehouse, and Potash Brooks as needing federal permits under authority granted by the Clean Water Act (CWA). See in re: Stormwater NPDES Petition (Conservation Law Foundation Appeal, Docket No. 14-1-07 Vtec, (August 28, 2008). Our records indicate you own property that may be affected by this decision.

The five streams subject to the Court's judgment order are impaired as a result of stormwater runoff. VTANR is authorized under the CWA to control stormwater-runoff pollution by designating certain stormwater discharges as requiring federal National Pollutant Discharge Elimination System (NPDES) permits, commonly referred to as "NPDES permits. This authority to designate discharges is referred to as "Residual Designation Authority" (RDA).

A Designated Discharge is defined as a stormwater discharge from an impervious surface if the discharge is not covered by one of the following permits:

- a) A NPDES industrial Multi Sector General Permit (MSGP);
- b) A NPDES wastewater permit that includes stormwater discharges;
- c) A state stormwater discharge permit with an associated offset or on-site controls that result in no net contribution to the receiving water;
- d) A NPDES municipal separate storm sewer system (MS4) permit.

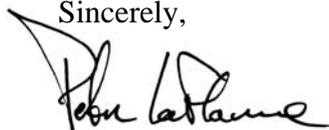
Parcels with coverage under the MSGP, direct discharge wastewater permits, or appropriate individual stormwater permits, were identified using data maintained by VTANR. Non-municipal discharges into the MS4 system or discharges that commingle with the MS4 system are covered by the MS4 permit and are not subject to this designation. While great effort was made to ensure that this initial designation was accurate, the list has not been completely confirmed in the field. VTANR will work with the affected municipalities and property owners to continue to check the accuracy of these initial determinations.

Your property has been identified as part of this initial designation. The Court's judgment order requires discharges designated by the VTANR to apply for coverage within 180 days of notice of the designation. Because the initial designation was noticed in the Burlington Free Press on June 19, 2009, the deadline for applications will be December 16, 2009. The VTANR anticipates issuing a draft permit for public comment in August, 2009. VTANR will notify designated dischargers, as well as the general public, of this opportunity for public comment. Once the draft permit is finalized, VTANR will notify designated discharges of their obligation to apply for coverage.

The designation of discharges will not become effective until VTANR issues either a general permit or an individual permit that will authorize discharges subject to this designation. Again, VTANR anticipates having a permit in place in time for designated dischargers to apply for coverage before the December 16, 2009 deadline. During the public comment period of this permit, or during any appeal of the permit, the question of whether a particular designation is proper will remain open for consideration.

VTANR will be holding a public informational meeting for the designated dischargers on Wednesday August, 5th at 6:00 pm at the South Burlington High School Cafeteria #1. The formal notice documents and additional information regarding residual designation can be found at http://www.vtwaterquality.org/stormwater/htm/sw_RDA.htm. If you have any questions regarding this letter please contact Jennifer Callahan in the Stormwater Section at 802-241-3780.

Sincerely,

A handwritten signature in black ink, appearing to read "Pete LaFlamme". The signature is written in a cursive style with a large initial "P".

Pete LaFlamme, Director
Division of Water Quality