

AGENCY OF NATURAL RESOURCES
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
WATERSHED MANAGEMENT DIVISION
1 NATIONAL LIFE DRIVE
MONTPELIER, VERMONT 05620-3522

FACT SHEET
(March 2014)

GENERAL PERMIT FOR DISCHARGES FROM PETROLEUM RELATED REMEDIATION
ACTIVITIES TO PUBLICLY OWNED TREATMENT WORKS (POTWs)

GENERAL PERMIT NO. 3-9016

Regulatory Overview

The Vermont Agency of Natural Resources is proposing to renew a general permit for discharges from petroleum related remediation activities to publicly owned treatment works (i.e. municipal wastewater treatment facilities) within the State of Vermont pursuant to 10 V.S.A. Section 1259(a), the Vermont Water Pollution Control Permit Regulations (Rule 13), the General Permit Rules (Rule 13.12), and the Vermont Water Quality Standards. The initial general permit was issued in June 2004 and renewed in July 2009.

A general permit refers to a permit authorizing a statewide class of discharges that share the same or similar qualities such that the discharges can be regulated by the same or similar permit conditions. The general permit process is initiated by the Agency and, following the issuance of a final general permit; applicants must submit a "Notice of Intent" to be covered under the general permit. The notice of intent will be posted in the municipal office of the municipality where the discharge (to a municipal wastewater treatment facility) is located at the time the Notice of Intent is filed with the Agency.

Coverage under this general permit will allow an applicant to receive authorization to discharge in a matter of days as opposed to authorization under an individual permit which can take significantly longer to process and requires a 30-day public notice period rather than the 10-day period required under the general permit rules.

Coverage under this general permit

The proposed general permit will authorize and regulate discharges from petroleum related remediation activities to all POTWs within the State of Vermont, with the exception of discharges from petroleum related remediation activities that are mixed with or contaminated by any other wastes or discharges, and discharges from federally owned facilities. Petroleum related remediation activities include, but are not limited to, the discharge of one or more of the following: ground and/or surface water from remediation systems; surface and/or ground water accumulating as a result of excavation activity; surface and ground water contaminated by spills; ground water resulting from pumping and/or monitoring aquifer(s). All of the previously mentioned discharges result from corrective actions involving above ground or underground storage tanks used to store gasoline, diesel fuel, kerosene, jet fuel, or heating oil, or the transportation of these materials.

Permit Requirements

EPA has determined technology-based effluent limitations through the development of national effluent limitations guidelines for many specific categories of industries. However national effluent guidelines have not been promulgated for wastewater discharges resulting from petroleum related cleanups. Consequently the effluent limits proposed for this general permit have been developed based on a best professional judgement basis (BPJ) in accordance with 40 CFR 125.3. BPJ is used to develop technology-based effluent limits in those cases where an effluent guideline has not been promulgated for the industry and water quality standards do not dictate limits more stringent than technology-based limits.

This permit requires the permittee to monitor flow, benzene, total BTEX, and, if the source is diesel, heating oil, kerosene and/or jet fuel, total petroleum hydrocarbons at a frequency of twice a month. Flow monitoring is required at a frequency of once per month. The technology based permit limit of 5 parts per billion (ppb) for benzene is included in the permit. This limit is based on the removal efficiencies achieved by conventional treatment technology commonly used in groundwater remediation projects consistent with the EPA document *Model NPDES Permit for Discharges Resulting From the Cleanup of Gasoline Released From Underground Storage Tanks*, June 1989. Although the same EPA document suggests a BTEX limit of 100 ppb, the proposed permit limit of 50 ppb is based on several years of monitoring at Vermont sites utilizing activated carbon, air strippers, or a combination of both that has demonstrated that this technology is capable of reliably achieving this limit. The total petroleum hydrocarbons (TPH) limit of 1000 ppb is also based on past monitoring data at Vermont sites that demonstrates the existing technology is capable of reliably achieving the effluent limit.

Monthly reporting to the Department is required. Following notification of coverage under the general permit, the permittee will be mailed the appropriate forms for submitting the data required by the permit. The monitoring reporting forms will also be located on the Division's web site.

Upon elimination of a discharge authorized under this permit a permittee may request that coverage under this permit be terminated by submittal of a completed **Application for Request for Termination of Coverage Form** to the Department. Coverage under this permit will be terminated upon receipt of a written determination by the Department that the Notice of Termination filing is complete and the discharge has been eliminated. This form may be requested by calling 802-828-1535.

Application Procedure

To obtain coverage under the Permit a "Notice of Intent" (NOI) must be completed, submitted to the Department, and an authorization to discharge from the Department received. Consultants, contractors, and attorneys cannot sign the Notice of Intent (NOI) form on behalf of an owner/operator unless legally delegated. A signed letter from the municipality approving the discharge to its POTW must be included with the application.

As required by the General Permit Rules, a public notice of the application for coverage under the General Permit must be sent to the clerk's office of the municipality where the discharge is to occur for a 10-day public comment period. The public notice form is included as part of the NOI.

Upon written request from the Department, an applicant must submit additional information that may be necessary to enable the Department to authorize the discharge under this permit. The applicant will have up to 60 days, per the Vermont Department of Environmental Conservation Application Review Procedure, to submit the additional information or the application for authorization may be denied.

The Department may require an applicant to apply for an individual permit. Cases where an individual permit may be required include those cases where the discharge does not qualify for coverage and for the reasons listed under Section D of the General Permit Rules. Where it has been determined that an applicant must apply for an individual permit, the Department will send a letter of explanation and request any additional material necessary to complete the application.

Termination

Coverage under the permit ends when the permittee notifies the Department by completion of a Application for Request for Termination of Coverage form followed by a receipt from the Department or when the permit expires, whichever occurs first.

Public Notice and Comment

The public comment period for receiving comments on this draft permit is from **March 10, 2014 through April 10, 2014** during which time interested persons may submit their written comments on the draft general permit.

All written comments received by 4:30 P.M. on **April 10, 2014** will be retained by the Department and considered in the formulation of the final determination to issue, deny or modify the draft permit. The period of comment may be extended at the discretion of the Department.

Written comments should be sent to:

Vermont Agency of Natural Resources
Department of Environmental Conservation
Watershed Management Division
1 National Life Drive, Building Main 2
Montpelier, VT 05620-3522

Comments may also be faxed to: 802-828-1544.

The draft Notice of Intent (NOI) form, draft General Permit 3-9016, and other information are on file and may be inspected at the VTDEC, Watershed Management Division, Montpelier, VT. Copies will be made at a cost based on the current Secretary of State Official Fee Schedule for Copying Public Records from 8:00 AM to 4:30 PM, Monday through Friday. The draft permit, NOI and fact sheet may also be viewed on the Division's website at <http://www.anr.state.vt.us/dec/wq/Drafts.htm>

No comments were received during the 30 day public comment period.