STATE OF VERMONT AGENCY OF
NATURAL RESOURCES
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

GENERAL PERMIT 3-9016
DISCHARGES FROM PETROLEUM RELATED REMEDIATION ACTIVITIES TO PUBLICLY OWNED TREATMENT WORKS (POTWs)

PART I. COVERAGE UNDER THIS PERMIT

A. Discharges Covered

This permit covers discharges from petroleum related remediation activities to publicly owned treatment works (municipal wastewater treatment 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; ground and/or surface water accumulating as a result of excavation activity; ground and/or surface 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 fuels.

B. Discharges Not Covered

The following discharges from petroleum related remediation activities are not covered by this permit:

1. Discharges to waters of the United States.
2. Discharges to groundwater.
3. Discharges from federally owned facilities.
4. Discharges from petroleum related remediation activities that are mixed with or contaminated by any other wastes or discharges.

C. Authorization

Any person who wishes to obtain authorization to discharge from petroleum related remediation activities under this general permit shall follow the application requirements in Part II.

PART II. APPLICATION REQUIREMENTS

A. Notice of Intent Forms and Fee

Application for coverage under this permit shall be made by filing a Notice of Intent (NOI) on forms provided by the Secretary. The completed and signed NOI shall be filed with the Agency of Natural Resources, together with an administrative fee ($120.00 as of the issuance date of this permit - fees are established by 3 V.S.A. §2822 and may be changed by statute revisions) at the following address:

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

B. **Public Notice of NOI**

Any person who files a NOI shall provide notice, on a form provided by the Secretary, to the municipal clerk of the municipality in which the discharge is located at the time the NOI is filed with the Secretary.

C. **Public Comments on NOI**

For a period of ten days following receipt of a NOI, the Secretary shall provide an opportunity for written comment regarding whether the NOI complies with the terms and conditions of this permit.

D. **Additional Information**

Upon request of the Secretary any person who files a NOI shall submit such additional information that may be necessary to enable the Secretary to authorize the discharge under the terms of this permit.

E. **Requiring An Individual Permit**

The Secretary may require any person who files a NOI to apply for an individual permit if:

1. the discharge does not qualify for coverage under this permit; or
2. the Secretary finds that an individual permit is required pursuant to 13.12 D. of the General Permit Rules.

F. **Coverage under Existing Individual Permits**

Persons who are authorized to discharge from petroleum related remediation activities by an existing individual permit are not required to obtain coverage under this permit during the term of the individual permit.

G. **Authorization to Discharge**

Any person who files a NOI shall be authorized to discharge under the terms of this permit upon the receipt of a written determination by the Secretary that the NOI filing is complete, and the discharge is eligible for coverage under the terms and conditions of this general permit.

H. **Failure to Notify**

Dischargers who fail to notify the Secretary of their intent to be covered under this permit or fail to obtain authorization to discharge under an individual permit, and discharge without a permit, are in violation of 10 V.S.A. Chapter 47 and the federal Clean Water Act.

PART III. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

A. Effluent Limitations and Monitoring Frequency

From July 1, 2014 through June 30, 2019, the permittee is authorized to discharge from each discharge point specified on the NOI - Treated petroleum contaminated water - in accordance with the following limitations and monitoring requirements.

DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS (1,2)	
Effluent Characteristic	**Monthly Average**	**Monitoring Frequency**	**Sample Type**
Flow	See (3) Below	1 x monthly	Measured Total (4)
Benzene (5,6)	5 ppb	2 x monthly	Grab
Total BTEX (5,6)	50 ppb	2 x monthly	Grab
Total Petroleum Hydrocarbons (TPH) (5,6,7)	1000 ppb	2 x monthly	Grab

(1) Discharges lasting less than two weeks in duration shall be sampled a minimum of two times (twice) for those parameters listed in the table above.

(2) Where there are multiple discharge points, monitoring for the above parameters is required for each discharge point.

(3) The flow discharged shall not exceed the design capability of the treatment system.

(4) Flow shall be reported as the total gallons discharged since the last meter reading. Flows may be measured or estimated by use of integrating timers on pumps, or by use of a weir or flume and a continuous recording flow meter.

(5) If sample results indicate that the effluent does not meet the specified limitations an additional effluent sample shall be taken within 3 business days of receiving the sample results and analyzed for Benzene and Total BTEX as well as TPH, if applicable. See also Part III.B4.

(6) Total BTEX shall be measured as the sum of benzene, ethylbenzene, toluene, and xylenes. EPA method 8021B or other EPA approved methodology shall be used for the measurements of benzene, ethlybenzene, toluene, and xylenes, including ortho-, meta-, and para-xylene. Modified EPA method 8015 or other EPA approved methodology shall be used to measure TPH.

(7) TPH monitoring is required if the source is diesel, heating oil, kerosene, and/or jet fuel.

B. **Influent Monitoring**

1. The permittee shall monitor the influent to the treatment system for the parameters listed in Condition III.A. above at a minimum frequency of once per month.

2. For discharges lasting less than two weeks in duration, the permittee shall monitor the influent to the treatment system for the parameters listed in Condition III.A. above a minimum of one time.

C. **Special Conditions**

1. Effluent samples shall be taken after final treatment and prior to discharge to a POTW and prior to mixing with other discharges.

2. If the permittee employs carbon adsorption canisters, either as part or all of the treatment system necessary to meet the effluent limitations specified in Part III.A. above, the permittee shall replace the first carbon adsorption canister prior to breakthrough of dissolved hydrocarbons. The time of breakthrough shall be calculated based on flow data developed from pump tests and analysis of untreated contaminated groundwater. The calculated breakthrough time shall be utilized as a schedule for replacing and rotating the carbon adsorption units unless ongoing analyses demonstrate that a different breakthrough time interval is appropriate in order to meet the effluent limitations specified in Part III.A. above. The dates of carbon canister replacement shall be reported on form WR-43.

3. If the permittee employs air strippers, either as part or all of the treatment system necessary to meet the effluent limitations specified in Part III.A. above, the permittee shall clean the air strippers on a regular basis as appropriate and report the dates of the cleaning(s) on form WR-43.

4. Should this discharge exceed the effluent limitations specified in Part III.A. above at any time, then the permittee shall:

   a. Notify the Watershed Management Division (802- 828-1535) and the receiving POTW within 24 hours.

   b. Submit a written report within 5 days detailing the reason(s) for the violation and the procedures to be employed so that the discharge will once again be in compliance with the effluent limitations.

   c. The Watershed Management Division will evaluate the situation on a case-by-case basis and may require the permittee to cease discharging until such time as treatment has been restored to a level that will consistently meet the effluent limitations.

5. This permit does not authorize the discharge of water treatment additives without approval from the Department. Water treatment additives include any material that is added to water used at the facility or to discharges generated by the facility to condition or treat the water. In the event a permittee proposes to utilize water treatment additives, the permittee shall submit to the Department, for review and written approval, a request

including Material Safety Data Sheets (MSDS) to discharge water treatment additives. If the additives have the potential to interfere with the POTW, the permittee may be required to apply for an individual permit.

D. **Operating Fees**

Discharges authorized by this permit may be subject to operating fees. The permittee shall submit the operating fees in accordance with the procedures provided by the Secretary.

E. **Monitoring and Reporting**

The Permittee shall submit monitoring results as specified on a Discharge Monitoring Report (Form WR-43). Reports shall be submitted by the 15th day of each month beginning with the month following the date of authorization to discharge under this permit.

If, in any reporting period, there has been no discharge, the permittee must submit that information by the report due date. Signed copies of these, and all other reports required herein, shall be submitted to the Secretary at the following address:

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

and a copy submitted to the POTW that receives the discharge.

All reports shall be signed:

1. In the case of corporations, by a principal executive officer of at least the level of vice president, or his/her duly authorized representative, if such representative is responsible for the overall operation of the facility from which the discharge described in the permit form originates;

2. In the case of a partnership, by a general partner;

3. In the case of a sole proprietorship, by the proprietor;

4. In the case of a municipal, State, or other public facility, by either a principal executive officer, ranking elected official, or other duly authorized employee.

F. **Sampling and Analysis**

The sampling, preservation, handling, and analytical methods used shall conform to regulations published pursuant to Section 304(g) of the Clean Water Act, as specified in the most current revisions of the Code of Federal Regulations, Title 40, Part 136.

Samples shall be representative of the volume and quality of effluent discharged over the sampling and reporting period. All samples are to be taken during normal operating hours. The permittee shall identify the effluent sampling location used for each discharge.

The permittee shall calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at regular intervals to ensure accuracy of measurements or shall ensure that both activities are conducted.

The permittee shall keep records of these activities and shall provide such records upon request of the Secretary.

G. Recording of Results

The permittee shall maintain records of all information resulting from any monitoring activities required including:

1. The exact place, date, and time of sampling;
2. The dates and times the analyses were performed;
3. The person(s) who performed the analyses;
4. The analytical techniques and methods used including sample collection handling and preservation techniques;
5. The results of all required analyses;
6. The records of monitoring activities and results, including all instrumentation and calibration and maintenance records;
7. The original calculation and data bench sheets of the operator who performed analysis of the effluent pursuant to requirements of Part III.A. of this permit.

The results of monitoring requirements shall be reported (in the units specified) on the Discharge Monitoring Report Form WR-43 or other form approved by the Secretary.

H. Additional Monitoring by Permittee

If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified above, the results of such monitoring shall be included in the calculation and reporting of the values required in the Discharge Monitoring Report Form WR-43. Such increased frequency shall also be indicated.

I. Records Retention

All records and information resulting from the monitoring activities required by this permit including all records of analyses performed, calibration and maintenance of instrumentation, and recordings from continuous monitoring instrumentation shall be retained for a minimum of three (3) years, and shall be submitted to Department representatives upon request. This period shall be extended during the course of ongoing litigation regarding the discharge of pollutants or when requested by the Secretary.

PART IV. STANDARD CONDITIONS

A. **Duty to Comply**

The permittee shall comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of 10 V.S.A. Chapter 47 and the federal Clean Water Act and is grounds for an enforcement action, or suspension, or revocation of the permittee's authorization to discharge under this permit.

B. **Noncompliance Notification**

In the event the permittee is unable to comply with any of the conditions of this permit due, among other reasons, to:

1. breakdown or maintenance of waste treatment equipment (biological and physical-chemical systems including, but not limited to, all pipes, transfer pumps, compressors, collection ponds or tanks for the segregation of treated or untreated wastes, ion exchange columns, or carbon absorption units),

2. accidents caused by human error or negligence, or

3. other causes such as acts of nature,

the permittee shall notify the Secretary and the receiving POTW within 24 hours of becoming aware of such condition or by the next business day and shall provide the Secretary with the following information, in writing, within five (5) days:

a. cause of non-compliance;

b. a description of the non-complying discharge including its impact upon the receiving water;

c. anticipated period the condition of non-compliance is expected to continue or, if such condition has been corrected, the duration of the period of non-compliance;

d. steps taken by the permittee to reduce and eliminate the non-complying discharge; and

e. steps to be taken by the permittee to prevent recurrence of the condition of non-compliance.

C. **Operation and Maintenance**

The permittee shall, at all times, maintain in good working order and operate as efficiently as possible all treatment or control facilities or systems installed or used by the permittee to achieve compliance with the terms and conditions of this permit. The operation and maintenance of this facility shall be performed only by qualified personnel.

D. **Bypass**

The diversion or bypass of facilities necessary to maintain compliance with the terms and conditions of this permit is prohibited except where authorized under terms and conditions of an emergency pollution permit issued pursuant to 10 V.S.A. Section 1268.

E. **Solids Management**

Collected screenings, sludges, and other solids removed in the course of treatment and control of discharges shall be stored, treated and disposed of in accord with 10 V.S.A. Chapter 159 and/or the terms and conditions of any certification, interim or final, transitional operation authorization or order issued pursuant to 10 V.S.A., Chapter 159 that is in effect on the effective date of this permit or is issued during the term of this permit.

F. **Duty to Mitigate**

The permittee shall take all reasonable steps to minimize or prevent any adverse impact to the receiving POTW and/or the receiving water resulting from non-compliance with any condition specified in this permit, including accelerated or additional monitoring as necessary to determine the nature and impact of the non-complying discharge.

G. **Duty to Reapply**

If a discharge authorized under this permit is anticipated to continue after the expiration date of this permit, the permittee must submit a complete application for coverage under a new permit 30 days prior to the expiration date of this permit.

H. **Continuation of the Expired General Permit**

Provided the permittee has reapplied in accordance with Section IV.G. of this permit, the expired permit continues in force and effect until a new general permit is issued. Only those facilities previously authorized to discharge under the expired permit are covered by the continued permit.

I. **Requiring a General Permit**

The Secretary may require any person applying for reissuance of an individual permit to be subject to a general permit provided the Secretary finds the discharge complies with all the conditions of the general permit and the discharge is more appropriately covered under the general permit.

J. **Termination of Coverage**

Upon elimination of a discharge authorized under this permit any permittee may request that coverage under this permit be terminated by **submittal of a completed and signed Request for Termination of Coverage Form** to the Secretary. Coverage under this permit shall be terminated upon receipt of a written determination by the Secretary that the Request for Termination of Coverage filing is complete and the discharge has been eliminated.

K. **Transfer of Authorization to Discharge**

Any permittee may transfer the authorization to discharge under this permit by **submittal of a completed and signed Transfer of Authorization to Discharge Form** to the Secretary. The notice shall be submitted 30 days prior to the proposed date of transfer and shall include the following:

1. the name and address of the present permittee;
2. the name and address of the prospective permittee;
3. the proposed date of transfer; and
4. a statement signed by the prospective permittee, stating that:

    a. The conditions of the facility operation that contribute to, or affect, the discharge will not be materially different under the new ownership;

    b. he/she has read and is familiar with the terms of the permit and agrees to comply with all terms and conditions of the permit; and

    c. he/she has adequate funding to operate and maintain the treatment system and remain in compliance with the terms and conditions of the permit.

L. **Modification of General Permit**

After notice and opportunity for public hearing this permit may be modified in accord with General Permit Rules 13.12 C.7.

M. **Revocation of Authorization to Discharge**

The Secretary may revoke or suspend, in whole or in part, authorization to discharge under this permit in accord with General Permit Rules 13.12 C.6.

N. **Right of Entry**

The permittee shall allow the Secretary or his/her authorized representatives, upon presentation of credentials to:

1. Enter upon the permittee's premises where a discharge is located or in which any records are required to be kept under the terms and conditions of this permit; and

2. At any time inspect the site and sample any discharge, and at reasonable times have access to and copy any records required to be kept under the terms and conditions of this permit.

O. **Property Rights**

Issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights.

P. **Federal, State or Local Laws**

Issuance of this permit does not authorize any infringement of Federal, State or local laws or regulations. This permit does not convey authorization to conduct any activity within wetlands including but not limited to; clearing, grading, excavation, placement of temporary or permanent erosion and sediment control structures or any other activity required by this permit. Any such activity within a wetland may require a conditional use determination pursuant to 10 V.S.A. Section 905(b) and/or a permit pursuant to Section 404 of the federal Clean Water Act or both.

Q. **Need to Halt or Reduce Activity not a Defense**

It shall not be a defense for the permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

R. **Oil and Hazardous Substance Liability**

Nothing in this permit shall be construed to preclude the institution of legal action or relieve the permittee from any responsibilities, liabilities or penalties to which the permittee is or may be subject under 10 V.S.A. Section 1281.

S. **Penalty for Permit Violation**

10 V.S.A. Section 1275(a) provides that:

"Any person who violates any provision of this subchapter or who fails, neglects or refuses to obey or comply with any order or the terms of any permit issued in accordance with this subchapter, shall be fined not more than $25,000.00 or be imprisoned not more than six months, or both. Each violation may be a separate offense and, in the case of a continuing violation, each day's continuance may be deemed a separate offense."

10 V.S.A. Section 8010(c) provides that:

"A penalty of not more than $25,000.00 may be assessed for each determination of violation. In addition, if the secretary determines that a violation is continuing the secretary may assess a penalty of not more than $10,000.00 for each day the violation continues. The maximum amount of penalty assessed under this subsection shall not exceed $100,000.00."

T. **Penalty for False Statement**

10 V.S.A. Section 1275 (b) provides that:

"Any person who knowingly makes any false statement, representation or certification in any application, record, report, plan, or other document filed or required to be maintained under this subchapter, or by any permit, rule, regulation or order issued under this subchapter, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this subchapter or by any permit, rule, regulation, or order issued under this subchapter, shall upon conviction, be punished by a fine of not more than $10,000.00 or by imprisonment for not more than six months, or by both".

U. **Authority**

This permit is issued under authority of 10 V.S.A. Section 1259 which states that: "No person shall discharge any waste, substance, or material into waters of the State, nor shall any person discharge any waste, substance, or material into an injection well or discharge into a publicly owned treatment works any waste which interferes with, passes through without treatment, or is otherwise incompatible with those works or would have a substantial adverse effect on those works or on water quality, without first obtaining a permit for that discharge from the secretary", and under the authority of Section 402 of the Clean Water Act, as amended.

This permit shall become effective on July 1, 2014.

This permit and the authorization to discharge shall expire on June 30, 2019.

David K. Mears, Commissioner
Department of Environmental Conservation

By 4/15/14
Ernest F. Kelley, Manager
Wastewater Management Program