

**AGENCY OF NATURAL RESOURCES  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
DRINKING WATER AND GROUNDWATER PROTECTION DIVISION  
ONE NATIONAL LIFE DRIVE – MAIN 2  
MONTPELIER, VERMONT 05620**

**INDIRECT  
DISCHARGE PERMIT**

Permit No.: ID-9-0077  
PIN: RU95-0241

**SECTION A - "ADMINISTRATION"**

In compliance with provisions of 10 V.S.A. §1263, and in accordance with the following conditions, the permittees:

RMT Associates, LLC and Chittenden Resorts, LLC  
d.b.a. The Mountain Top Inn and Resort  
195 Mountain Top Road  
Chittenden, Vermont 05737

are authorized to indirectly discharge treated domestic sewage from a mound disposal system serving The Mountain Top Inn and Resort in Chittenden, Vermont to groundwater and indirectly into an unnamed tributary of Hewitt Brook via the collection, treatment and disposal system approved in this permit and described in Condition B2. **This is a permit renewal.**

**A1. Permit Summary:**

Expiration Date	December 31, 2023
Type of Waste	Treated Domestic Sewage
Treatment System	Septic Tank
Disposal System	Mound Leachfield
Town	Chittenden
Drainage Basin	Otter Creek
Receiving Water	Unnamed Tributary to Hewitt Brook
Design Capacity	9,000 gallons per day (gpd)
Drainage Area at Point of Compliance	Approx. 1,533 acres
Low Median Monthly Flow (LMMF)	Est. 11,600 gpd
Dilution Ratio (at LMMF)	1.3:1 Stream Flow: Design Capacity

**A2. Compliance Schedule:**

The following schedule summarizes the actions and requirements necessary for compliance with the conditions of this permit. The permittees shall complete the requirements in accordance with the dates indicated. See the designated section for specific details.

<u>Condition # &amp; Description</u>	<u>Schedule Date</u>
A3. Apply for renewal of Indirect Discharge Permit	September 30, 2023
A11. Reduce design flows to system	As specified
D2(A). Have a Vermont Registered Professional engineer complete an inspection of sewage collection, treatment and disposal system	Annually, during the month of April
D2(B). Submit Annual Inspection Report	Annually by July 1st
D2(C). Submit schedule for implementing engineer's recommendations	Annually by August 1st
D3. Notify Secretary of pumping of tanks and septage disposal	As specified
E1. Perform effluent sampling	Monthly, July - October
E2. Record effluent flows	As specified
E3. Measure depths in observation wells	As specified

**A3. Expiration Date:**

This permit, unless revoked, or amended shall be valid until December 31, 2023 despite any intervening change in Water Quality Standards or the classification of receiving waters. Renewal of this Indirect Discharge Permit will be subject to all rules applicable at the time of application for renewal, including biological standards to determine significant alteration of aquatic biota.

For the purposes of Title 3, an application for renewal of this indirect discharge permit will be considered timely if a complete application is received by the expiration date. However, the permittees should apply for renewal by September 30 2023 for continued authorization to discharge treated sewage.

**A4. Revocation:**

The Secretary may revoke this permit in accordance with 10 V.S.A. §1267.

**A5. Transfer of Permit:**

This permit is not transferable without prior written approval of the Secretary. The permittees shall notify the Secretary immediately, in writing, before any sale, lease or other transfer of ownership of the property from which the discharge originates. The proposed transferee shall make application for a permit to be reissued in their name. Failure to apply shall be considered a violation of this permit. Responsibility for compliance with conditions of this permit shall be the burden of the permittees until such time as transfer of the permit to the transferee is complete. All application and operating fees must be paid in full prior to transfer of this permit. This permit shall be transferred only upon showing by the permittees or proposed transferee compliance with the following conditions:

- a. The transferee shall be a legal entity, financially and technically competent to operate, inspect, maintain and replace the system.
- b. The transferee shall demonstrate that they have the legal authority to raise revenues for the proper operation, inspection, and maintenance of the system.
- c. The transferee shall provide a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee(s) to the Secretary.

**A6. Indirect Discharge Rules:**

This collection, treatment and disposal system qualifies for an Indirect Discharge Permit in accordance with Section 14-403(A) of the Indirect Discharge Rules for Existing Indirect Discharges of Sewage. No increase in sewage volume, identified in Condition D1, is allowed without the approval by the Secretary.

**A7. Right of the Agency to Inspect:**

The permittees shall allow the Secretary or the Secretary's authorized representative upon the presentation of their credentials and at reasonable times:

- a. To enter upon permittees' premises in which any effluent source, treatment or disposal system is located or in which any records are required to be kept under the conditions of the permit;

**A7. Right of the Agency to Inspect (continued):**

- b. To have access to and copy any records required to be kept under conditions of this permit;
- c. To inspect any monitoring equipment or method required in this permit;
- d. To sample any discharge of waste, groundwater or surface water; and
- e. To inspect any collection, treatment, pollution management and disposal facility required by this permit.

**A8. Permit Availability:**

A copy of this permit shall remain at the office of the permittees and upon request shall be made available for inspection by the Secretary.

**A9. Minor Modifications to System:**

Minor modifications of the approved engineering plans identified in Condition C1 which do not reduce the treatment effectiveness or exceed the design capacity of 9,000 gallons per day for the collection, treatment and disposal system may be approved in writing by the Secretary without a permit amendment.

Before making modifications to the collection, treatment and disposal system, the permittees shall submit plans to the Secretary for review and approval. These plans must be approved before any of the modifications are made.

**A10. Replacement of Failed Disposal System:**

In the event the disposal system fails, the permittees shall apply for an Indirect Discharge Permit amendment for a replacement disposal system that meets the requirements of the Indirect Discharge Rules. The engineering plans for the replacement system shall be reviewed and approved by the Secretary before any construction occurs.

**A11. Reduce Design Flows to System:**

No later than 90 days after the effective date of this permit renewal, the permittees shall either reduce the design flow for the collection, treatment and disposal system authorized by this permit to a maximum of 9,000 gallons per day, or shall seek approval from the Secretary (in the form of the submittal of a complete and finalized Wastewater System and Potable Water Supply Permit application) to construct additional wastewater system(s) that will reduce the design flow for the collection, treatment and disposal system authorized by this permit to a maximum of 9,000 gallons per day.

**A11. Reduce Design Flows to System (continued):**

The issuance of this permit renewal does not, and shall not be construed to, relieve the permittees of the obligation to comply fully with all prior regulatory requirements established pursuant to the jurisdiction administered by the Drinking Water and Groundwater Protection Division, including, but not limited to, compliance directives pertaining to permit conditions or the usage of the associated buildings and their corresponding potable water and wastewater infrastructure.

**A12. Operating Fees:**

This indirect discharge is subject to operating fees. The permittees shall submit the operating fees in accordance with procedures provided by the Secretary.

**SECTION B "INDIRECT DISCHARGE"**

**B1. Location of Indirect Discharge:**

This collection, treatment and disposal system is located at Latitude N 42°31'19" and Longitude W 72°56'16" in the Otter Creek drainage basin in the Town of Chittenden, Vermont.

**B2. Approved Collection, Treatment and Disposal System:**

This permit approves the operation of a wastewater collection, treatment and disposal system serving the Inn and Wedding Barn buildings at the Mountain Top Inn and Resort. The wastewater is treated in septic tanks before being pumped to a mound disposal system which was reconstructed in 2015.

The approved design flow for the collection, treatment and disposal system authorized by this permit is 9,000 gallons per day. The Potable Water Supply and Wastewater System Permit WW-1-0678-2, issued on June 30, 2006, approved specific occupancy and usages associated with the Inn and Wedding Barn which corresponded to a design flow of 9,000 gallons per day. Unauthorized changes to occupancy and/or usage at the Resort since then have resulted in design flows which greatly exceed 9,000 gallons per day.

## **SECTION C "SYSTEM APPROVALS"**

### **C1. Previous Approvals:**

The original sewage collection, treatment and disposal system was completed in accordance with the following plans and specifications prepared by Joseph Chouinard P.E. of Wright Engineering:

Sheet 1 of 4 entitled "Sewage Disposal System for Mountain Top Inn - Site Preparation Plan", dated 10/1/91;

Sheet 2 of 4 entitled "Sewage Disposal System for Mountain Top Inn - Site Plan", dated 11/22/91;

Sheet 3 of 4 entitled "Sewage Disposal System for Mountain Top Inn - Sewage Disposal System Details", dated 11/22/91, last revised 1/8/92; and

Sheet 4 of 4 entitled "Sewage Disposal System for Mountain Top Inn - Miscellaneous Details", dated 11/22/91, last revised 1/8/92.

The reconstruction of the mound disposal field in 2015 was completed in accordance with the following plans and specifications prepared by Frank Parent, P.E., of Long Trail Engineering, P.C.:

Sheet C1 entitled "Mountain Top Inn and Resort" Replacement Mound Detail Plan" Record Drawing dated 10/28/2015;

Sheet C2 entitled "Mountain Top Inn and Resort" Replacement Mound Detail Plan" Record Drawing dated 10/28/2015; and

the specifications and basis of design calculations contained in the document entitled "Mountain Top Inn Resort, Chittenden, VT, Basis of Design, Replacement Wastewater Disposal System.

## **SECTION D "SYSTEM OPERATION"**

### **D1. General Operating Requirements:**

The sewage collection, treatment and disposal system shall be operated at all times in a manner that will (1) not permit the discharge of sewage onto the surface of the ground; (2) not result in the surfacing of sewage; (3) not result in the direct discharge of sewage into the waters of the State; (4) not result in a violation of the Vermont Water Quality Standards; and (5) not exceed a disposal rate of 9,000 gallons per day.

**D2. Annual Inspection, Report and Implementation Schedule:**

**A. Annual Inspection:**

Annually during the month of April, the permittees shall retain a professional engineer registered in the State of Vermont to make a thorough inspection, evaluation and report of the complete sewage collection, treatment and disposal system. The engineer's inspection shall include, but not be limited to the following:

1. evaluating the accumulation of solids and scum in the septic tanks and verifying the pumping of the septic tanks;
2. evaluating the accumulation of grease in the grease trap and verifying the cleaning of the grease trap, if necessary;
3. verifying the proper operation of the lift station pumps, alarms and controls;
4. checking the shallow in-field observation wells for ponding;
5. walking the disposal mound system and checking for signs of failure or surfacing effluent; and
6. noting any necessary repairs or maintenance that needs to be performed on the sewage collection, treatment and disposal system.

**B. Annual Inspection Report:**

By July 1st each year, the permittees shall have a professional engineer submit an annual report including the following items:

1. a complete list of the items inspected and the results of the inspection;
2. tabulation and review of the effluent strength, flow records and weekly observation well ponding measurements;
3. a discussion of the recommended repairs and maintenance required and;
4. the measured depths of sludge and scum in each grease and septic tank.

**C. Implementation Schedule:**

By August 1st each year, the permittees shall notify the Secretary in writing stating how the engineer's recommendations were or are to be implemented, including submittal of a schedule for the required repairs, maintenance and septic tank pumping which have not yet been completed.

**D3. Septage Disposal:**

During the collection, treatment and disposal system's annual inspection, the depth of sludge and scum shall be measured in all septic tanks. The septic tanks shall be pumped if: 1) the sludge is closer than twelve (12) inches to the outlet baffle or; 2) the scum layer is closer than three (3) inches to the septic tank outlet baffle or; 3) if otherwise recommended by the inspecting engineer. The permittees shall notify the Secretary in writing of the name and address of the pumper and the municipal sewage treatment facility or other facility approved by the Secretary where the septage was or is to be disposed.

**D4. System Operation and Maintenance:**

The sewage collection, treatment, and disposal system shall be operated and maintained at all times in compliance with this permit and in a manner that will not pose a risk to the public health and safety, or cause contamination of drinking water supplies, groundwater and/or surface water.

**D5. Reporting of Failures:**

The permittees shall immediately report any failure of the sewage collection, treatment and disposal system to the Secretary, first by telephone within 24 hours of the failure and then in writing within 5 days of the failure. A failed system is a system that is functioning in a manner (1) that allows wastewater to be exposed to the open air after being discharged, pool on the surface of the ground, discharge directly to surface water, or back up into a building or structure; (2) that results in a potable water supply being contaminated and rendered not potable; or (3) that presents a threat to human health. The written notice shall include a discussion of the actions taken or to be taken to correct the failure.

**D6. Discharge Restrictions:**

The permittees shall not allow any person to discharge or cause to be discharged anything other than sanitary sewage to this collection, treatment and disposal system.

**D7. Monthly Report:**

On a monthly basis, the permittees shall submit a disposal report to the Secretary summarizing all information required for the previous month. The report shall be submitted to the Secretary by the 15th of each month for all disposal activities for the previous month. The report shall be signed by the permittee, under the following statement:



**D7. Monthly Report (continued):**

"I certify under penalty of law that I have personally examined, and am familiar with, the information submitted herein. Based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment."

**SECTION E "MONITORING"**

**E1. Effluent Sampling:**

The permittees shall sample the septic tank effluent being discharged to the mound disposal field and have the samples analyzed as follows:

<u>Parameter</u>	<u>Units</u>	<u>Type</u>	<u>Sample Frequency</u>
Biochemical Oxygen Demand (5-day)	mg/L	grab	monthly, July-October
Total Suspended Solids	mg/L	grab	monthly, July-October
Oil & Grease	mg/L	grab	monthly, July-October

The samples obtained should be representative of the discharge to the mound and should be taken at the inlet to the pump station.

The results of these analyses shall be submitted to the Secretary by the 15th day of the second month following the date of sampling.

**E2. Effluent Flow Measurement:**

Daily, during the months of July, August, September and October, the permittees shall record the pump hour readings for both pumps in the pump station discharging to the mound disposal field at about the same time each day. Readings shall be taken at least weekly during the other months of the year. By the 15th of the following month, the permittees shall submit the readings and the calculated total daily or weekly volume of effluent pumped to the mound disposal field to the Secretary for the previous month.

**E3. Observation Well Measurements:**

Weekly, during the months of March, April and May, the permittees shall measure the depth of ponding in the groundwater observation wells. The tabulated results of this monitoring shall be submitted with the engineer's annual inspection report as required by Condition D2B.

**E4. Additional Monitoring Requirements:**

The Secretary reserves the right to require additional monitoring of the collection, treatment and disposal system should operation of the system fail to meet the requirements of Conditions D1 and D4.

**E5. Sampling and Testing Procedures:**

All wastewater, groundwater and surface water sampling, preservation, handling and test procedures used to comply with the monitoring requirements herein shall conform to procedures specified in the most current edition of Standard Methods for the Examination of Water and Wastewater APHA - AWWA - WPCF, and the Vermont Water Quality Standards unless written approval of an alternate method is received from the Agency.

The laboratory utilized for analyzing the samples shall demonstrate successful participation in third party proficiency testing recognized by ISO or NELAP for all parameters and shall analyze any check sample provided by the Secretary. Failure to obtain an acceptable result for either the Secretary's check sample or successful third-party proficiency testing may be a basis for requiring an alternate analytical laboratory.

**E6. Miscellaneous:**

If the permittees monitor any required parameter set forth in this permit for this treatment and disposal system more frequently or at additional locations than required by this permit, the results of such monitoring shall be included in the monthly disposal report.

All records and information resulting from the monitoring activities required by this permit including all records of analyses performed and calibration and maintenance of instrumentation and recordings from continuous monitoring instrumentation shall be retained for a minimum of three (3) years, or longer if requested by the Secretary. Records shall include laboratory bench sheets showing exact location, time and composites of sample as well as analytical procedures used, interim results obtained and all calculations supporting the reported test results.

## SECTION F "COMPLIANCE REVIEW"

If the results of any inspection or monitoring indicate that an exceedance of the disposal limit identified in Condition D1, or a violation of the Vermont Water Quality Standards, is occurring, or is likely to occur, the Secretary may require the permittees to take appropriate corrective actions to eliminate a violation or reduce the possibility of a violation.

The issuance of this permit, ID-9-0077, relies upon the data, designs, judgement and other information supplied by the applicant, the applicant's consultants and other experts who have participated in the preparation of the application. The Secretary makes no assurance that this system will meet the performance objectives of the applicant and no warranties or guarantees are given or implied.

## SECTION G "EFFECTIVE DATE"

This permit, ID-9-0077, is effective on the date of signature.

## SECTION H "APPEAL RIGHTS"

This permit may be appealed to the Environmental Division of the Vermont Superior Court within 30 days of the date of this permit.

Emily Boedecker, Commissioner  
Department of Environmental Conservation

By: Mary K Clark  
Mary Clark, Program Manager  
Indirect Discharge Program

Date: Jan, 22, 2019