

**AGENCY OF NATURAL RESOURCES
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DRINKING WATER AND GROUNDWATER PROTECTION DIVISION
ONE NATIONAL LIFE DRIVE – Davis 4
MONTPELIER, VERMONT 05620-3521**

**GENERAL PERMIT FOR
EXISTING INDIRECT DISCHARGES OF SEWAGE**

Permit Number: ID-9-9001

SECTION I. COVERAGE UNDER THIS PERMIT

This GENERAL PERMIT covers *Existing Indirect Discharges of Sewage* that meet the criteria identified in **Section II. A.** In accordance with the Indirect Discharge Rules, effective April 12, 2019, an *Existing Indirect Discharge of Sewage* means an indirect discharge of sewage with a design flow of 6,500 gallons per day or more that existed on or before May 17, 1986.

This GENERAL PERMIT is issued in accordance with 10 V.S.A. §§ 1259 and 1263, and the Indirect Discharge Rules (Environmental Protection Rules, Chapter 14).

SECTION II. APPLICATION REQUIREMENTS

A. Criteria

To obtain coverage under this GENERAL PERMIT FOR EXISTING INDIRECT DISCHARGES OF SEWAGE (GENERAL PERMIT) all the following criteria must be met:

- (1) The applicant must hold a current indirect discharge permit unless this requirement has been waived by the Secretary;
- (2) The applicant is in compliance with all terms and conditions of the current indirect discharge permit;
- (3) The indirect discharge collection, treatment and disposal system must have a design capacity of 15,000 gallons per day or less;
- (4) The indirect discharge must be an *Existing Indirect Discharge of Sewage* as defined above;

A. Criteria (continued)

- (5) The indirect discharge collection, treatment and disposal system must be currently operating in a manner that:
 - (a) does not permit the discharge of sewage onto the surface of the ground;
 - (b) does not result in the surfacing of sewage;
 - (c) does not result in the direct discharge of sewage into the waters of the State;
 - (d) does not cause a violation of the Vermont Water Quality Standards in the receiving waters; and
 - (e) does not cause a violation of the Vermont Groundwater Protection Rule and Strategy.
- (6) A certified operator is not required to operate the system.

B. Application for Coverage

Any person who wishes to obtain authorization for an *Existing Indirect Discharge of Sewage* under this GENERAL PERMIT shall file a Notice of Intent Application (NOI) on an electronic form provided by the Secretary and shall submit a copy of an Annual Inspection Report completed within the past 365 days by a professional Engineer registered in Vermont, unless the inspection report has already been submitted to the Secretary. The completed and signed NOI, the annual inspection report, and the administrative processing fee identified in 3 V.S.A. § 2822(j)(2) shall be submitted electronically, as specified by the Secretary.

C. Requiring an Individual Permit

The Secretary may require an applicant who has filed an NOI requesting authorization to discharge under this GENERAL PERMIT to apply for an individual permit instead if:

- (1) The applicant's indirect discharge does not qualify for coverage under this GENERAL PERMIT pursuant to Section II.A;
- (2) The applicant is required to apply for an individual permit in accordance with §14-606 of the Indirect Discharge Rules, effective April 12, 2019; or
- (3) The applicant is required to apply for an Individual permit due to failure of the disposal system in accordance with Section IV.C of this GENERAL PERMIT.

D. Coverage Under Existing Individual Permit

A permittee who is authorized to discharge under an individual indirect discharge permit is not required to obtain coverage under this GENERAL PERMIT.

E. Failure to Obtain Coverage

Any person who fails to obtain authorization to discharge under this GENERAL PERMIT or who fails to obtain authorization to discharge under an individual indirect discharge permit, and thus discharges without a permit, is in violation of 10 V.S.A. Chapter 47.

SECTION III. OPERATIONAL REQUIREMENTS**A. General Operating Requirements**

The collection, treatment and disposal system shall be operated at all times in a manner that will:

- (1) not permit the discharge of wastewater onto the surface of the ground;
- (2) not result in the surfacing of wastewater;
- (3) not result in the direct discharge of wastewater into the waters of the State; and
- (4) not result in a violation of the Vermont Water Quality Standards; and
- (5) not result in a violation of the Vermont Groundwater Protection Rule and Strategy.

B. Annual Inspection

Annually during the month of April, the permittee shall retain a Vermont registered professional engineer to thoroughly inspect and evaluate the collection, treatment and disposal system and to prepare a report on the inspection. For collection, treatment and disposal systems which operate only seasonally (e.g. campgrounds, children's camps), the annual inspection shall be conducted during the month of June.

The engineer's inspection shall include, at a minimum, the following:

- (1) inspecting the entire collection system, removing manhole covers to observe the condition of the sewers and manholes, and noting any signs of inflow or excessive infiltration;
- (2) evaluating the accumulation of solids and scum in all the septic tanks and determining if the tanks should be pumped out that year unless the septic tanks are pumped annually;

B. Annual Inspection (continued)

- (3) checking the proper operation of all pumps, alarms and controls in all pump stations and/or siphons (if applicable);
- (4) verifying that there is proper flow distribution through distribution boxes or similar devices (if applicable);
- (5) walking the disposal field areas, noting the general condition of the areas and checking for any evidence of surfacing effluent or other signs of failure; and
- (6) noting any necessary repairs or maintenance that needs to be performed.

C. Annual Inspection Report

By July 1st each year (August 1st for seasonally operated systems), the permittee shall have a Vermont registered professional engineer submit an annual report to the Secretary which includes the following items:

- (1) a complete list of the items inspected and the results of the inspection;
- (2) the measured depths of sludge and scum in each septic tank (if applicable) and
- (3) a discussion of the recommended repairs and maintenance required

D. Implementation Schedule

By August 1st of each year (September 1st for seasonally operated systems), the permittee shall notify the Secretary in writing stating how the engineer's recommendations were or are to be implemented, including submittal of a schedule for required repair and maintenance items which have not yet been completed.

E. Septage Disposal

During the system's annual inspection, the sludge and scum depths shall be measured in all septic tanks (if applicable). 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 permittee shall notify the Secretary in writing of the name and address of the septic tank pumper and the municipal sewage treatment facility, or other facility approved by the Secretary, where the septage was or is to be disposed.

F. Non-Compliance Notification

- (1) The Permittee shall give advance notice to the Secretary of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- (2) In the event the Permittee is unable to comply with any of the conditions of this permit due, among other reasons, to:
 - a) Breakdown or maintenance of waste treatment equipment (biological and physical-chemical systems including all pipes, transfer pumps, compressors, collection ponds or tanks for the segregation of treated or untreated wastes, ion exchange columns, or carbon absorption units);
 - b) Accidents caused by human error or negligence;
 - c) Any unanticipated bypass or upset which exceeds any effluent limitation in the permit;
 - d) Violation of a maximum day discharge limitation for any of the pollutants listed by the Secretary in this permit; or
 - e) Other causes such as acts of nature, the Permittee shall provide notice as specified in subdivisions (c) and (d) of this subsection.
- (3) Pursuant to 10 V.S.A. § 1295, notice for “untreated discharges,” as defined.
 - a) Public notice. For “untreated discharges”, an operator of a Wastewater Treatment Facility (WWTF) or the operator’s delegate shall as soon as possible, but no longer than one hour from discovery of an untreated discharge from the WWTF, post on a publicly accessible electronic network, mobile application, or other electronic media designated by the Secretary an alert informing the public of the untreated discharge and its location, except that if the operator or his or her delegate does not have telephone or Internet service at the location where he or she is working to control or stop the untreated discharge, the operator or his or her delegate may delay posting the alert until the time that the untreated discharge is controlled or stopped, provided that the alert shall be posted no later than four hours from discovery of the untreated discharge.

F. Non-Compliance Notification (continued)

- b) Secretary notification. For “untreated discharges”, an operator of a WWTF shall within 12 hours from discovery of an untreated discharge from the WWTF notify the Secretary and the local health officer of the municipality where the facility is located of the untreated discharge. The operator shall notify the Secretary through use of the Department of Environmental Conservation’s online event reporting system. If, for any reason, the online event reporting system is not operable, the operator shall notify the Secretary via telephone or e-mail. The notification shall include:
- i. The specific location of each untreated discharge, including the body of water affected. For combined sewer overflows, the specific location of each untreated discharge means each outfall that has discharges during the wet weather storm event.
 - ii. Except for discharges from a WWTF to a separate storm sewer system, the date and approximate time the untreated discharge began.
 - iii. The date and approximate time the untreated discharge ended. If the untreated discharge is still ongoing at the time of reporting, the entity reporting the untreated discharge shall amend the report with the date and approximate time the untreated discharge ended within three business days of the untreated discharge ending.
 - iv. Except for discharges from a WWTF to a separate storm sewer system, the approximate total volume of sewage and, if applicable, stormwater that was released. If the approximate total volume is unknown at the time of reporting, the entity reporting the untreated discharge shall amend the report with the approximate total volume within three business days.
 - v. The cause of the untreated discharge and a brief description of the noncompliance, including the type of event and the type of sewer structure involved.
 - vi. The person reporting the untreated discharge.

F. Non-Compliance Notification (continued)

- (4) For any non-compliance not covered under Condition D7.c of this permit, including failure of the collection, treatment, and disposal system, an operator of a WWTF or the operator's delegate shall notify the Secretary within 24 hours of becoming aware of such condition and shall provide the Secretary with the following information, in writing, within five days:
- a) Cause of non-compliance;
 - b) A description of the non-complying discharge including its impact upon the receiving water;
 - c) Anticipated time 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.

A failed system is a system that is functioning in a manner (1) that allows untreated wastewater to be exposed to the open air after being discharged, pool on the surface of the ground, 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.

G. Discharge Restrictions

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

H. System Operation and Maintenance

The 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.

I. Operating Fees

The collection, treatment, and disposal system is subject to operating fees. The permittee shall submit operating fees in accordance with procedures provided by the Secretary.

SECTION IV. GENERAL REQUIREMENTS

A. Right of Agency to Inspect

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

- (1) To enter upon the permittee's premises where any collection, treatment or disposal system is located, or in which any records are required to be kept under the conditions of the permit;
- (2) To have access to and copy any records required to be kept under conditions of this permit;
- (3) To sample any discharge of wastewater, groundwater or surface water; and
- (4) To inspect any collection, treatment, pollution management or disposal system required by this permit.

B. Minor Modifications to System

Minor modifications of the collection, treatment, and disposal system covered under this General Permit which do not reduce the treatment effectiveness or increase the disposal capacity of the approved treatment and disposal system may be approved in writing by the Secretary without an Individual Indirect Discharge Permit application. Before making modifications to the treatment and/or disposal system, the permittee shall submit plans to the Secretary for review and approval. These plans must be approved before any of the modifications or additions are made.

C. Replacement of Failed System

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

D. Revocation

The Secretary may revoke an authorization to discharge under this GENERAL PERMIT in accordance with §14-606 of the Indirect Discharge Rules, effective April 12, 2019.

E. Effective Date

This GENERAL PERMIT shall become effective on January 1, 2024.

F. Appeal

This permit may be appealed to the Environmental Division of the Vermont Superior Court within 30 days of the date the final permit is posted to the Environmental Notice Bulletin in accordance with 10 V.S.A., Chapter 220.

G. Expiration Date

This GENERAL PERMIT shall expire on December 31, 2029.

Julia S. Moore, Secretary
Vermont Agency of Natural Resources

By:



Date: November 28, 2023

Indirect Discharge and Underground Injection Control Programs Supervisor