

Appendix M

Related Permits

National Historic Preservation Act

Activities at the Environmental Safety Facility do not adversely affect the congressional declarations or findings of the National Historic Preservation Act of 1966 as amended in 2000. The effects of the construction of the ESF on this Act was properly considered during the Environmental Review Process in 1992, supporting documents can be found in that application (Act 250 permit).

Endangered Species Act

Activities at the Environmental Safety Facility do not adversely affect conservation of the ecosystems upon which endangered species and threatened species depend, nor the conservation of such endangered species and threatened species, nor any other purpose of the Endangered Species Act of 1973 nor its amendments. The effects of the construction of the ESF on this Act was properly considered during the Environmental Review Process in 1992, supporting documents can be found in that application (Act 250 permit).

Coastal Zone Management Act

Activities at the Environmental Safety Facility do not affect development or management of coastal zones, nor any of the purposes of the Coastal Zone Management Act of 1972 nor its amendments. Stormwater and wastewater permits were properly considered during the Environmental Review Process in 1992, supporting documents can be found in that application (Act 250 permit).

Fish & Wildlife Coordination Act

Activities at the Environmental Safety Facility do not adversely affect conservation of neither wildlife nor any of the purposes of the Fish and Wildlife Coordination Act of 1936 or its amendments. Stormwater and wastewater permits were properly considered during the Environmental Review Process in 1992, supporting documents can be found in that application (Act 250 permit).

The Wild and Scenic Rivers Act

Activities at the Environmental Safety Facility do not adversely affect conservation of wild, scenic or recreational river areas nor any of the purposes of the Wild and Scenic Rivers Act of 1983 nor its amendments. Stormwater and wastewater permits were properly considered during the Environmental Review Process in 1992, supporting documents can be found in that application (Act 250 permit).

Air Emissions Standards

ESF activities operate under Air Pollution Control Permit #AP-04-006 issued by Vermont's Air Pollution Control Division on 19 April 2004; the permit and the technical analysis are included as attachments M-1.

The ESF mechanical systems are designed to protect workers by removing emissions from their work zone; these systems are not equipped with emission control devices.

Hazardous wastes at the ESF are managed in containers only. All volatile organic wastes are stored in containers that meet the applicable DOT regulations on packaging hazardous materials

and that have a design capacity of less than 111 gallons (0.42 cubic meters). Each container is equipped with a cover or closure device that meets the requirements of 40CFR§264.1086(c) and that is maintained in the closed position except when:

- Waste is being added to or removed from the container,
- Access to the waste is needed for sampling or other routine activities,
- Pressure relief is necessary for maintaining the internal pressure of the container, or
- Conditions require operating a safety device to avoid an unsafe condition.

Containers and covers are inspected when first put in service at the ESF or accepted at the ESF and as part of the daily inspection (See Appendix I) to ensure that they are free of visible cracks, gaps, holes or other open spaces into the interior of the container when the cover is secured in the closed position.

When a defect is detected, the container will be repaired or overpacked or the contents will be transferred to another container that meets the requirements of 40CFR§264.1086(c). Procedures to remedy the defect will begin as soon as possible after detection and within 24 hours; these procedures will be complete within 5 calendar days after detection.

Stormwater - Conditional Exclusion from the Multi-Sector General Permit, No Exposure Certification

The Environmental Safety Facility qualifies for the No Exposure Certification, Conditional Exclusion from the Multi-Sector General Permit, Attachment M-2, because all industrial materials and activities, are protected by a storm resistant shelter to prevent exposure to rain, snow, snowmelt, and/or runoff.

The storage, loading and unloading, and transportation of waste at the ESF is all completed within covered vehicles or within the building. Waste handling for transportation, either ESF personnel or vendors for off-site transport, occurs at the loading dock. The loading dock is fully enclosed within the building.

Drums and other waste containers, new or in use, are only stored inside the facility.

Vehicles are typically stored at the loading dock and within the truck bay, except while in use or during business hours, during which they may be stored in the parking area. All vehicles are adequately maintained by UVM's Automotive Repair Shop and inspected regularly.

Attachment M-1

Air Pollution Control Permit

#AP-04-006
DEC# EJ74-0001

State of Vermont
Agency of Natural Resources
Department of Environmental Conservation



Air Pollution Control Division
Waterbury, Vermont

AIR POLLUTION CONTROL PERMIT
TO CONSTRUCT

Date Permit Issued: April 19, 2004

Owner/Operator: University of Vermont
Waterman Building
85 South Prospect Street
Burlington, Vermont 05405

Source: UVM Environmental Safety Facility
667 Spear Street
Burlington, Vermont 05405

FINDINGS OF FACT

(A) FACILITY DESCRIPTION

The University of Vermont (also referred to herein as "Permittee") owns and operates a permitted treatment, storage and disposal facility located at the BioResearch Complex on the west side of Spear Street in Burlington, Vermont (also referred to herein as "Facility"). The Facility is designed to serve as a storage and management area for hazardous wastes and houses a chemical distribution and resource recovery center. The Permittee has proposed to modify the pouring volumes and frequencies outlined in the existing permit for the following chemicals: benzene, chloroform, trichloroethylene, ethylene dichloride, methylene chloride and aniline. These chemicals are released through the bulking and consolidation of waste materials.

(B) FACILITY CLASSIFICATION

The Facility is classified as a source of air contaminants pursuant to Title 10 of the *Vermont Statutes Annotated* ("10 VSA.") §555 and §5-401 (11), Manufacturing, processing and application of chemicals, including the processing or application of plastics, rubbers or resins of the *Vermont Air Pollution Control Regulations* (hereinafter "*Regulations*"). In addition, §5-101 of the *Regulations* defines a *stationary source* as any structure(s), equipment, installation(s), or operation(s), or combination thereof, which emit or may emit any air contaminant, which is located on one or more contiguous or adjacent properties and which is owned or operated by the same person or persons under common control. Based on this definition, all of the equipment, operations, and structures at the Facility are grouped together by the Agency of Natural Resources, Department of Environmental Conservation, Air Pollution Control Division (hereinafter "Agency") as one stationary air contaminant source for purposes of review under the *Regulations*.

(C) PRIOR AGENCY ACTIONS/APPROVALS

The Facility has been issued the following "Permit to Construct" approval pursuant to 10 VSA §556 and §§5-501 and/or 5-502 of the *Regulations*.

Prior Agency Approvals and Actions	
Date of Action	Description of Agency Approval/Action
April 22, 1994	#AP-92-024 – Original Agency Permit to Construct approval for Facility.

(D) FACILITY PERMIT APPLICABILITY

As noted above, the Facility is classified as a source of air contaminants under §5-401 of the *Regulations*. Pursuant to 10 VSA §556 and §5-501 of the *Regulations* a Permit to Construct, or an amendment to any existing Permit to Construct, must be obtained before commencing the construction, installation, modification or operation of an air contaminant source. The proposed changes in pouring volumes and frequencies of the above listed chemicals is not considered a modification to the Facility under the *Regulations* however, the Agency is considering the proposed changes a technical amendment and consequently, a modified Permit to Construct must be obtained.

Allowable emissions from the Facility are estimated to be less than ten (10) tpy combined and therefore the Facility is not required to obtain a Permit to Operate consistent with the requirements of Subchapter X of the *Regulations*. The allowable emissions for the Facility are summarized below:

Future Allowable Air Contaminant Emissions (tons/year) ¹						
PM/PM ₁₀	SO ₂	NO _x	CO	VOCs	Total Criteria	HAPs ²
0.06	0.10	1.37	0.70	0.35	<10	<1

¹ PM/PM₁₀ - particulate matter and particulate matter of 10 micrometers in size or smaller; SO₂ - sulfur dioxide; NO_x - oxides of nitrogen measured as NO₂ equivalent; CO - carbon monoxide; VOCs - volatile organic compounds; HAPs - hazardous air pollutants as defined in §112 of the federal Clean Air Act.

² Emissions of individual HAPs each < 10 tpy and emissions of total HAPs combined <25 tpy. Actual total combined HAPs estimated at <1 tpy.

(E) REVIEW FOR THE PERMIT TO CONSTRUCT**(a) New Source Review Designation**

The Facility, prior to implementation of the proposed modification, is designated as a non-major stationary source of air contaminants since it does not have allowable emissions of a single air contaminant of fifty (50) tons per year or greater. Consequently, any *modification* of the source that would result in a major increase in emissions of any air contaminant, as defined in §5-101 of the *Regulations*, is designated as a major modification and is subject to review under §5-501 and §5-502 of the *Regulations*. The proposed project identified in Findings of Fact (A) above, together with all previous minor modifications constructed at the Facility since July 1, 1979, and which have not been previously reviewed under §5-502 of the *Regulations*, will not result in a major increase in emissions. Consequently, the proposed modification is designated as a non-major modification and is not subject to the requirements of §5-502 of the *Regulations*.

(b) Most Stringent Emission Rate

Pursuant to §5-502 of the *Regulations*, the owner/operator of each new major stationary source or major modification must apply control technology adequate to achieve the Most Stringent Emission Rate ("MSER") with respect to those air contaminants for which there would be a major or significant actual emissions increase, respectively, but only for those currently proposed physical or operational changes which would contribute to the increased emissions.

The proposed project is designated as a non-major modification of a stationary source and therefore is not subject to review under the MSER requirements in §5-502 of the *Regulations*.

(c) Ambient Air Quality Impact Evaluation

An ambient air quality impact evaluation is performed to demonstrate whether or not a proposed project will cause or contribute to violations of the ambient air quality standards and/or significantly deteriorate existing air quality. The Agency's implementation procedures concerning the need for an ambient air quality impact evaluation under §5-406(1) of the *Regulations*, specifies that such analyses may be required when a project results in an allowable emissions increase of ten (10) tons per year or more of any air contaminant, excluding VOCs. Additionally, the Agency may require an air quality impact evaluation where the short-term allowable emission rates will significantly increase as a result of a project.

Based on the level of emissions from this Facility, it is not expected to cause or contribute to a violation of any ambient air quality standard or significantly deteriorate air quality. Therefore, an air quality impact evaluation was not required by the Agency for the proposed project.

(d) Applicable Requirements

The operations at the Facility are subject to the following state and federal laws and regulations, the requirements of which are embodied in the conditions of this Permit.

(i) *Vermont Air Pollution Control Regulations:*

Applicable Requirements from the Vermont Air Pollution Control Regulations
Section 5-211(2) - Prohibition of Visible Air Contaminants, Installations Constructed Subsequent to April 30, 1970.
Section 5-231(4) - Prohibition of Particulate Matter; Fugitive Particulate Matter.
Section 5-241 – Prohibition of Nuisance and Odor.
Section 5-271 – Control of Air Contaminants from Stationary Reciprocating Internal Combustion Engines.

Applicable Requirements from the Vermont Air Pollution Control Regulations
Section 5-402 – Written Reports When Requested.
Section 5-403 – Circumvention.
Subchapter VIII – Registration of Air Contaminant Sources.

(F) HAZARDOUS MOST STRINGENT EMISSION RATE

Pursuant to §5-261 of the *Regulations*, any stationary source whose current or proposed actual emission rate of a hazardous air contaminant ("HAC") is equal to or greater than the respective Action Level (found in Appendix C of the *Regulations*) shall achieve the Hazardous Most Stringent Emission Rate ("HMSER") for the respective HAC. Pursuant to §5-261(1)(b)(ii) of the *Regulations*, all fuel burning equipment which combusts virgin liquid or gaseous fuel is exempt from this section. The Facility is not expected to have regulated emissions of any HAC in excess of an Action Level. Therefore, the Facility is not subject to §5-261 of the *Regulations* at this time.

Based on the Agency's review of the Facility's application and the above Findings of Fact, the Agency concludes that the Facility, subject to the following Permit conditions, complies with all applicable state and federal air pollution control laws and regulations. Therefore, pursuant to 10 VSA §556, as amended, the Agency hereby proposes to issue a Permit approving the Facility, as described in the above Findings of Fact, subject to the following:

PERMIT CONDITIONS**- Construction and Equipment Specifications -**

- (1) The Permittee shall construct and operate the Facility in accordance with the plans and specifications submitted to the Agency and in accordance with the conditions set forth herein. [10 V.S.A. §556(c)]
- (2) The exhaust gases from the Facility's ventilation system shall be vented vertically through a stack which extends a minimum of four (4) feet above the roofline. The Permittee shall at the request of the Agency increase the stack height of any respective stack if, in the judgment of the Agency based on inspections of the actual operations at the Facility, proper or adequate dispersion can not be maintained at the current stack height. The stack shall not be equipped with any device that may obstruct the upward discharge of the exhaust gases such as a fixed raincap. [10 V.S.A. §556(c)]

- Operational Limitations -

- (3) The Permittee shall not pour, dispense, or engage in any other activity that releases hazardous vapors during the consolidation of chemical wastes at the Facility for a period of time that exceeds 8 hours per day. The Permittee shall not exceed the following pouring volumes for the chemical wastes listed below during any consecutive 30 day period:

Maximum Pouring Volumes	
Chemical	Maximum monthly pouring volume (gallons)
Chloroform	1.0
Trichloroethylene	10.0
Ethylene dichloride	2.5
Methylene chloride	26.0
Benzene	1.0
Aniline	20.0

[10 V.S.A. §§556(c) and 5-261 of the *Regulations*]

- (4) The Permittee shall handle all chemical wastes in accordance with applicable Hazardous Waste Management Regulations. [10 V.S.A. §556(c)]
- (5) The Permittee shall utilize only Liquefied Petroleum Gas ("LPG") or natural gas in the fuel burning equipment installed and operated at the Facility. [10 V.S.A. §556(c)]
- (6) **Engines:** The Permittee shall not install or operate a stationary reciprocating internal combustion engine, as defined in the *Regulations*, that is 450 bhp or greater unless the engine complies with §5-271 of the *Regulations*, as applicable. Engines installed after July 1, 1999 must comply with the emission standards of §5-271 of the *Regulations* immediately upon installation. Engines installed prior to July 1, 1999 must comply with the emission standards of §5-271 of the *Regulations* by no later than July 1, 2007. Installation of any size stationary reciprocating internal combustion engine may still require approval from the Agency in the form of an amended Permit prior to installation. Stationary reciprocating internal combustion engines include those used to power generator sets or to provide shaft power for equipment but does not include engines used to power motor vehicles. [§§5-501 and 5-271 of the *Regulations*]

- Emission Limitations -

- (7) Emissions of visible air contaminants from any installation at the Facility, except where otherwise noted in this Permit, shall not exceed twenty (20) percent opacity for more than a period or periods aggregating six (6) minutes in any hour and at no time shall visible emissions exceed sixty (60) percent opacity. Any emission testing conducted to demonstrate compliance with the above emission limits shall be performed in accordance with the proposed Federal Reference Method F-1 contained in the Federal Register Vol.51, No.168, pp. 31076-31081, August 29, 1986 or an equivalent method approved in writing by the Agency. [§§5-211(2) and 5-404 of the *Regulations*]
- (8) Particulate Matter: Emissions of particulate matter ("PM") from any fuel burning device, except motorized vehicles, with a heat input rating of less than ten (10) million British Thermal Units per hour ("MMBTU/hr") shall not exceed 0.5 pounds per MMBTU.
Any emission testing conducted to demonstrate compliance with the above emission limit shall be performed in accordance with 40 *CFR* Part 60, Appendix A, Reference Method 5 or an equivalent method approved in writing by the Agency. [§§5-231(3)(a)(i) and 5-404 of the *Regulations*]
- (9) Volatile Organic Compounds: Emissions of volatile organic compounds from the Facility shall not equal or exceed fifty (50) tons per calendar year. [§5-501 of the *Regulations*]
- (10) Hazardous Air Pollutants: Emission of federally regulated hazardous air pollutants (HAPs) from the Facility shall not equal or exceed ten (10) tons per year of any single HAP or twenty-five (25) tons per year of all HAPs combined per calendar year. [40 *CFR* Part 63]
- (11) Hazardous Air Contaminants: Emissions of state hazardous air contaminants (HACs) from the applicable operations at the Facility shall not equal or exceed their respective Action Level (found in Appendix C of the *Regulations*) unless the Agency has reviewed and approved such HAC emission under §5-261 of the *Regulations*. [§5-261 of the *Regulations*]
- (12) The Permittee shall not discharge, cause, suffer, allow, or permit from any source whatsoever such quantities of air contaminants or other material which will cause injury, detriment, nuisance or annoyance to any considerable number of people or to the public or which endangers the comfort, repose, health or safety of any such persons or the public or which causes or has a natural tendency to cause injury or damage to business or property. The Permittee shall not discharge, cause, suffer, allow, or permit any emissions of objectionable odors beyond the property line of the premises. [§5-241(1) and (2) of the *Regulations*]

- Record Keeping and Reporting -

- (13) The Permittee shall maintain daily records of the total volume poured during each eight hour work day of each chemical specified in Condition (3) of this Permit. The Permittee shall also maintain annual records of the quantity of chemical wastes received and shipped out of the Facility. [10 V.S.A. §556(c)]
- (14) All records shall be retained for a minimum period of five (5) years from the date of record and shall be made available to the Agency upon request. [§§5-402(1) and 5-405(1) of the *Regulations*]

- (15) The Permittee shall notify the Agency in writing of any proposed physical or operational change at the Facility which may increase the emission rate of any air contaminant to the ambient air regardless of any concurrent emission reductions that may be achieved. If the Agency determines that a permit amendment is required, a new application and the appropriate application fee shall be submitted. The permit amendment shall be obtained prior to commencing any such change. [10 V.S.A. §556(c)] [§§5-402(1) and 5-501 of the *Regulations*]
- (16) All records, reports, and notifications that are required to be submitted to the Agency by this Permit shall be submitted to:

Agency of Natural Resources
Air Pollution Control Division
103 South Main Street, Bldg 3 South
Waterbury, Vermont 05671-0402.

[§5-402(1) of the *Regulations*]

- (17) The Permittee shall notify the Agency in writing within ten (10) days of any violation, of which it is aware, of any requirements of this Permit. This notification shall include, at a minimum, the cause for the violation and corrective action or preventative maintenance taken to correct the violation. [§5-402(1) of the *Regulations*]
- (18) Annual Registration: The Permittee shall calculate the quantity of emissions of air contaminants from the Facility annually. If the Facility emits more than five (5) tons of any and all air contaminants per year, the Permittee shall register the source with the Secretary of the Agency (hereinafter "Secretary"), and shall renew such registration annually. Each day of operating a source which is subject to registration without a valid, current registration shall constitute a separate violation and subject the Permittee to civil penalties. The registration process shall follow the procedures set forth in Subchapter VIII of the *Regulations*, including the payment of the annual registration fee on or before May 15 of each year. [Subchapter VIII §§5-802, 5-803, 5-807 and 5-808 of the *Regulations*]

- Standard Permit Conditions -

- (19) These Permit conditions may be suspended, terminated, modified, or revoked for cause and reissued upon the filing of a written request with the Secretary of the Agency (hereinafter "Secretary") or upon the Secretary's own motion. Any modification shall be granted only with the written approval of the Secretary. If the Secretary finds that modification is appropriate, only the conditions subject to modification shall be re-opened. The filing of a request for modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated non-compliance does not stay any terms or conditions of this Permit. The Secretary may provide opportunity for public comment on any proposed modification of these conditions. If public comments are solicited, the Secretary shall follow the procedures set forth in 10 V.S.A. §556, as amended. (10 V.S.A. §556(d))

- (20) The Permittee shall furnish to the Agency, within a reasonable time, any information that the Agency may request in writing to determine whether cause exists to modify, revoke, reissue, or terminate the Permit or to determine compliance with this Permit. Upon request, the Permittee shall also furnish to the Agency copies of records required to be kept by this Permit. [10 V.S.A. §556(c)] [§5-402(1) of the *Regulations*]
- (21) By acceptance of this Permit, the Permittee agrees to allow representatives of the State of Vermont access to the properties covered by the Permit, at reasonable times, to ascertain compliance with Vermont environmental and health statutes and regulations and with this Permit. The Permittee also agrees to give the Agency access to review and copy any records required to be maintained by this Permit, and to sample or monitor at reasonable times to ascertain compliance with this Permit. [10 V.S.A. §556(c)] [§§5-402(1) and 5-404 of the *Regulations*]
- (22) All data, plans, specifications, analyses and other information submitted or caused to be submitted to the Agency as part of the application for this Permit or an amendment to this Permit shall be complete and truthful. Any such submission which is false or misleading shall be sufficient grounds for denial or revocation of this Permit, and may result in a fine and/or imprisonment under the authority of Vermont statutes. [10 V.S.A. §556(c)] [§5-505 of the *Regulations*]
- (23) For the purpose of establishing whether or not a person has violated or is in violation of any condition of this Permit, nothing in this Permit shall preclude the use, including the exclusive use, of any credible evidence or information relevant to whether a source would have been in compliance with applicable requirements if the appropriate performance or compliance test or procedure had been performed. [10 V.S.A. §556(c)]
- (24) Any permit noncompliance could constitute a violation of the federal Clean Air Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. [10 V.S.A. §556(c)]
- (25) 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 to maintain compliance with the conditions of this Permit. [10 V.S.A. §556(c)]
- (26) No person shall build, erect, install or use any article, machine, equipment or other contrivances, the use of which, without resulting in a reduction in the total release of air contaminants to the atmosphere, reduces or conceals an emission which otherwise would constitute a violation of these *Regulations*. [§5-403 of the *Regulations*]
- (27) The provisions of this Permit are severable. If any provision of this Permit, or its application to any person or circumstances is held invalid, illegal, or unenforceable by a court of competent jurisdiction, the invalidity shall not apply to any other portion of this Permit which can be given effect without the invalid provision or application thereof. [10 V.S.A. §556(c)]
- (28) This Permit does not convey any property rights of any sort or any exclusive privilege, nor does it authorize any injury to private property or any invasion of personal rights. [10 V.S.A. §556(c)]

- (29) All subsequent owners and/or operators of this Facility must request an amendment and transfer of this Permit prior to commencing any operations covered by this Permit. All subsequent owners and/or operators shall submit to the Agency as part of the request for amendment all such information the Agency deems necessary to establish legal ownership and/or interest in the property and all such information the Agency deems necessary to ensure the new owners and/or operators will construct and operate the Facility in compliance with the *Regulations* and this Permit. The terms and conditions of this Permit shall remain in full force and effect after submittal of the request for amendment and until the issuance of an amended Permit or denial. Should the Secretary deny the request, the new owner and/or operator must take whatever action is necessary to comply with the denial. [10 V.S.A. §556] [§5-501 of the *Regulations*]
- (30) The conditions of this Permit as set forth above supercede all conditions contained in all prior Permits issued by the Agency to the Permittee for this Facility. [10 V.S.A. §§556(c)]

The Agency's issuance of this Air Pollution Control Permit relies upon the data, judgement, and other information supplied by the Permittee. The Agency makes no assurances that the air contaminant source approved herein will meet performance objectives or vendor guarantees supplied to the source Permittee. It is the sole responsibility of the Permittee to operate the source in accordance with the conditions herein and with all applicable state and federal standards and regulations.

Dated this 19th day of April, 2004, in the town of Waterbury, county of Washington, state of Vermont.

Agency of Natural Resources

Jeffrey Wennberg, Commissioner
Department of Environmental Conservation

By: Richard A. Valentinetti
Richard A. Valentinetti, Director
Air Pollution Control Division

Attachment M-2

Stormwater No Exposure Certification Conditional Exclusion from the Multi-Sector General Permit



Vermont Department of Environmental Conservation
Water Quality Division
103 South Main Street, Building 10 North
Waterbury, VT 05671-0408

Agency of Natural Resources

[phone] 802-338-4889

December 8, 2011

MD
BVB
BY

University of Vermont
attn: Richard Cate, VP of Finance and Administration
350 Waterman Building
85 Prospect Street
Burlington, VT 05405

Re: No Exposure Certification No. 5269-9003.R

Dear Mr. Cate,

The Department of Environmental Conservation has reviewed the No Exposure Certification for Conditional Exclusion from the Multi-Sector General Permit (MSGP) 3-9003 (NPDES# VTR050001) from the University of Vermont & State Agricultural College submitted on August 22, 2011.

The UVM Environmental Safety Facility located on Spear Street in Burlington, Vermont has been assigned a Certification Number, noted above. Please note that the No Exposure exclusion from the requirement for coverage under the MSGP is conditional. Thus, in order to maintain eligibility for No Exposure status, facilities with No Exposure Certifications must comply with the No Exposure terms and conditions of the VT MSGP 3-9003 found in Part 1.6 of the MSGP. A copy of MSGP Section 1.6 is enclosed for your convenience.

If circumstances change and industrial materials or activities become exposed to rain, snow, snowmelt, and/or runoff, then you no longer qualify for conditional exclusion from the requirements of the MSGP and your discharge becomes subject to enforcement or a citizen suit as an un-permitted discharge. If you anticipate such changes in your circumstances you should prepare a Stormwater Pollution Prevention Plan (SWPPP) and apply for and obtain coverage under the MSGP prior to such change of circumstances.

If you have any questions, please call me at (802) 338-4889 or visit the website at www.vtwaterquality.org/stormwater.htm.

Sincerely,

A handwritten signature in black ink that reads "Jenna Calvi".

Jenna Calvi
Environmental Analyst
Vermont Stormwater Management Program
jenna.calvi@state.vt.us
(802) 338-4889

1.6 Conditional Exclusion for No Exposure.

If all of your industrial materials or activities are protected by a storm resistant shelter to prevent exposure to rain, snow, snowmelt and/or runoff then you may be eligible for a conditional exclusion from the requirements of this General Permit that require the preparation of a SWPPP and related monitoring of stormwater quality. To qualify for conditional exclusion, you must file an application and certification of No Exposure on forms provided by the Agency and receive approval from the Secretary. If you obtain coverage under this option you will be subject to the limitations and conditions set forth in this section with which you must comply in order to maintain eligibility for exclusion. The requirements pertaining to a demonstration that all your industrial materials or activities are protected by a storm resistant shelter to prevent exposure to rain, snow, snowmelt and/or runoff are set forth in Part 1.6.2 below.

If you meet the requirements of Part 1.6.2, and file a No Exposure Certification on forms provided by the Secretary you are no longer authorized by nor required to comply with this permit upon submission of a no exposure certification to the Agency. If you are no longer required to have permit coverage because of a no exposure exclusion and have submitted a No Exposure Certification form to the Agency, you are not required to submit an NOT.

1.6.1 Certification of No Exposure

In the event that you have elected to apply for conditional exclusion from permit requirements by certifying “No Exposure” as set forth in Part 1.6 of this general permit then you must submit a No Exposure Certification on forms provided by the Secretary.

1.6.2 Requirements to Demonstrate No Exposure

To demonstrate that all your industrial materials or activities are protected by a storm resistant shelter to prevent exposure to rain, snow, snowmelt and/or runoff you must:

- 1.6.2.1 Provide a storm resistant shelter to protect industrial materials and activities from exposure to rain, snow, snow melt, and runoff;
- 1.6.2.2 Demonstrate and certify that none of the following materials or activities are, or will be in the foreseeable future, exposed to precipitation:
 - Using, storing or cleaning industrial machinery or equipment, and areas where residuals from using, storing or cleaning industrial machinery or equipment remain and are exposed to stormwater;
 - Materials or residuals on the ground or in stormwater inlets from spills/leaks;
 - Materials or products from past industrial activity;
 - Material handling equipment (except adequately maintained vehicles);

- Materials or products during loading/unloading or transporting activities;
- Materials or products stored outdoors (except final products intended for outside use, e.g., new cars, where exposure to stormwater does not result in the discharge of pollutants);
- Materials contained in open, deteriorated or leaking storage drums, barrels, tanks, and similar containers;
- Materials or products handled/stored on roads or railways owned or maintained by the discharger;
- Waste material (except waste in covered, non-leaking containers, e.g., dumpsters);
- Application or disposal of process wastewater (unless otherwise permitted); and
- Particulate matter or visible deposits of residuals from roof stacks/vents not otherwise regulated, i.e., under an air quality control permit, and evident in the stormwater outflow.

1.6.3 Materials and Activities Which Need Not Be Sheltered to Demonstrate No Exposure

To demonstrate no exposure, storm resistant shelter is not required for the following industrial materials and activities:

- 1.6.3.1 Drums, barrels, tanks, and similar containers that are tightly sealed, provided those containers are not deteriorated and do not leak (“Sealed” means banded or otherwise secured and without operational taps or valves);
- 1.6.3.2 Adequately maintained vehicles used in material handling; and
- 1.6.3.3 Final products, other than products that would be mobilized in stormwater discharge (e.g., rock salt).

1.6.4 Limitations on No Exposure Demonstrations

- 1.6.4.1 The demonstration of no exposure can only be made on a facility-wide basis, not for individual outfalls. If a facility has some discharges of stormwater that would otherwise be No Exposure discharges, permit requirements under this permit may be adjusted accordingly for these discharges.
- 1.6.4.2 If circumstances change and industrial materials or activities become exposed to rain, snow, snowmelt, and/or runoff, then you no longer qualify for conditional exclusion from the requirements of this permit and your discharge becomes subject to enforcement as an un-permitted discharge. If you anticipate such

changes in your circumstances you should prepare a SWPPP and apply for and obtain coverage under this general permit prior to the change of circumstances.

- 1.6.4.3 Notwithstanding the provisions of this Part 1.6, the Secretary retains the authority to require coverage under this general permit (and deny coverage under this Part 1.6) upon making a determination that the discharge causes, has a reasonable potential to cause, or contributes to an instream excursion above an applicable water quality standard.

1.6.5 Conditions for Claiming and Maintaining No Exposure Status

In order to claim and maintain No Exposure status you must:

- 1.6.5.1 In accordance with the requirements set forth in Part 1.6, submit a signed certification of No Exposure stating that all your industrial materials or activities are protected by a storm resistant shelter to prevent exposure to rain, snow, snowmelt and/or runoff.
- 1.6.5.2 Submit the signed No Exposure certification forms to the Agency once every five years;
- 1.6.5.3 Allow the Agency to inspect the facility to determine compliance with the No Exposure conditions;
- 1.6.5.4 Allow the Agency to make any No Exposure inspection reports available to the public upon request;
- 1.6.5.5 For facilities that discharge through an MS4, upon request you must submit a copy of the certification of No Exposure to the MS4 operator, as well as allow inspection and public reporting by the MS4 operator; and
- 1.6.5.6 Any time there is a change in the owner or operator of your facility you must notify the Agency within 30 days of the change. The No Exposure form is non-transferable. If a new owner or operator takes over the facility, the new owner or operator must complete and submit a new form to claim No Exposure.

1.7 Alternative Permits.

1.7.1 Agency Requiring Coverage under an Alternative Permit.

The Secretary may require you to apply for and/or obtain authorization to discharge under either an individual NPDES permit or an alternative NPDES general permit. The Secretary may determine at his or her own discretion that an individual or an alternative general permit is required. The Secretary may require any person who files a NOI to apply for an individual permit if the discharge does not qualify for coverage under this general permit or the Secretary