

**Vermont Department of Environmental Conservation**

Watershed Management Division  
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Montpelier, VT 05602-3522

*Agency of Natural Resources*

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**NOTICE OF PUBLIC COMMENT PERIOD  
APPLICATION FOR CLEAN WATER ACT §401**

February 19, 2019

A request for a Section §401 Water Quality Certification, required pursuant to the provisions of Section 401 of the federal Clean Water Act, 33 U.S.C §1341, has been received by the Vermont Agency of Natural Resources (ANR) from the United States Environmental Protection Agency (EPA).

The EPA has jurisdiction over projects undertaken by Federal Operators in Vermont for purposes of permitting under the National Pollutant Discharge Elimination System (NPDES). The EPA is proposing modifications to EPA's 2017 Construction General Permit. EPA's Construction General Permit will apply to all federal facilities undergoing regulated construction activities in the State of Vermont and may affect Class A1, A2, and B waters. The EPA Construction General Permit (CGP) became effective on February 16, 2017. The modifications currently proposed to the permit include removing examples of the types of parties that could potentially be considered "operators," aligning three requirements that implement the Construction and Development Effluent Limitations Guidelines (ELG) and New Source Performance Standards (NSPS) more closely with the ELG text; and clarifying individual operator responsibilities.

The Department is seeking public comments on this tentative determination, during a 30-day public notice period. All timely comments will be considered in the formulation of a final decision. During this notice period, a person may request a public informational meeting regarding this draft decision. Any meeting request must state the person's interest and the reasons why a meeting is warranted. Such a meeting will be held if there is sufficient interest. Pursuant to 10 V.S.A. Chapter 220, any appeal of this decision must be filed with the Vermont Public Service Board pursuant to 10 V.S.A. § 8506 within 30 days of the date of this decision. For further information, see the Rules and General Orders of the Public Service Board, available on line at [www.psb.vermont.gov](http://www.psb.vermont.gov). The address for the Public Service Board is 112 State Street, Montpelier, Vermont, 05620-2701 (Telephone: # 802-828-2358).

Copies of the certification request and draft determination can be obtained at the Watershed Management Division web address: <http://dec.vermont.gov/watershed/permits/public-notices/401>. Comments regarding the draft determination may be filed in writing using the below address or using the below email through **March 20, 2019** with:

401 Program Coordinator  
Watershed Management Division  
One National Life Drive  
Main Building, 2nd Floor  
Montpelier, VT 05620  
[ANR.WSMD401@vermont.gov](mailto:ANR.WSMD401@vermont.gov)

cc: Distribution List