



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 1
5 Post Office Square, Suite 100
BOSTON, MA 02109-3912

VIA EMAIL – READ RECEIPT REQUESTED

April 27, 2022

Pete LaFlamme, Director
Vermont Department of Environmental Conservation
Watershed Management Division
One National Life Drive, Main 2
Montpelier, VT 05620-3522

RE: Request for Clean Water Act 401 Certification – National Pollutant Discharge Elimination System General Permit for Dewatering and Remediation Discharges – Vermont Permit # VTG910000

Dear Mr. LaFlamme:

A copy of the Draft General Permit for Dewatering and Remediation discharges for Federal facility sites is available at <https://www.epa.gov/npdes-permits/dewatering-and-remediation-general-permit-drgp> prepared pursuant to 40 C.F.R § 124.6. This Draft General Permit has been discussed with your staff.

The U.S. Environmental Protection Agency (EPA) may not issue a permit until a state certification is granted or waived in accordance with the Clean Water Act (CWA), Section 401(a)(1) and pursuant to 40 C.F.R. Section 124.55. By transmittal of the above Draft General Permit, we are requesting that the State make a determination concerning certification. The State will be deemed to have waived its right to certify unless certification is received within 60 days of receipt of this request.

This certification should include the specific conditions necessary to assure compliance with applicable provisions of the CWA, Sections 208(e), 301, 302, 303, 306 and 307 and with appropriate requirements of State law. In addition, you should provide a statement of the extent to which each condition of the Draft General Permit can be made less stringent without violating the requirements of State law. Failure to provide this statement for any condition waives the right to certify or object to any less stringent condition which may be established by EPA during the permit issuance process. If you believe that any conditions more stringent than those contained in the Draft General Permit are necessary to meet the requirements of either the CWA or State law, you should include such conditions and, in each case, cite the CWA or State law reference upon which that condition is based. Failure to provide such a citation waives the right to certify as to that condition. A State may not condition or deny a certification on the grounds that State law allows a less stringent permit condition.

Reviews and appeals of limitations and conditions attributable to State certification shall be made through the applicable procedures of the State and may not be made through the applicable procedures of 40 C.F.R. Part 124.

The notice of availability for the comment by the public on the enclosed Draft General Permit was published on April 26, 2022. There is a thirty (30) day public comment period. Upon review of the public comments and receipt of your certification or waiver thereof, EPA proposes to issue the Final Permit. The Draft General Permit, Fact Sheet, and related attachments can be found on EPA's website at <https://www.epa.gov/npdes-permits/dewatering-and-remediation-general-permit-drgp>

I would appreciate receiving your certification as soon as possible, but no later than sixty (60) days from receipt of this letter. If you have any questions, please contact Shauna Little of my staff at 617-918-1989.

Thank you for your cooperation.

Sincerely,

Lynne Jennings, Chief
Water Permits Branch

cc: Amy Polaczyk