



Vermont Agency of Natural Resources

Notice of Intent (NOI)

for Stormwater Discharges Associated with Industrial Activity under the Vermont Multi-Sector General Permit (MSGP) 3-9003

For Department Use Only

NOI Number:

Submission of this NOI constitutes notice that the entity in Section A intends to be authorized to discharge pollutants to waters of the State from the facility or site identified in Section B under Vermont's Stormwater MSGP. Submission of this NOI also constitutes notice that the party identified in Section A of this form has read, understands, and meets the eligibility conditions of Part 1 of the MSGP; agrees to comply with all applicable terms and conditions of the MSGP; understands that continued authorization under the MSGP is contingent on maintaining eligibility for coverage, and that a Stormwater Pollution Prevention Plan (SWPPP) will be implemented at the facility. In order to be granted coverage, all information required on this form must be provided, including the requirement to prepare and implement a SWPPP as well as payment of the \$680 fee to the State of Vermont.

A. Facility Operator Information

1. Name: Vermont Railway, Inc.
2. Title:
3. Mailing Address: Street: One Railway Lane
City: Burlington State: VT Zip Code: 05401
Phone: 802-656-2250 Fax: 802-658-2553 Email:

B. Facility/Site Information

1. Facility/Site Name: Shelburne Transload Facility
2. This facility is [X] New or [] Existing
3. Project number for previously authorized stormwater discharge (if applicable): -9003
4. Location Address Street: Catamount Road
City: Shelburne County: Chittenden State: VT Zip Code: 05482
Latitude: 44 ° 23 ' 23.7" Longitude: 73 ° 13 ' 43.6" (at or near the center of the facility)

C. Industrial Activity Information

1. List the Standard Industrial Classification (SIC) code(s) that best represents the facility's industrial activity:

a. Primary SIC code: 4011 b. Secondary (if applicable)

2. Applicable sector(s) of industrial activity, as designated in Appendix D of the MSGP, that include associated discharges that you seek to have covered under this permit:

- Grid of checkboxes for industrial sectors A through Z, with Sector P checked.

3. For Sector G, H, I and J facilities: Is over 1 acre of new earth disturbance planned at the facility? [] Yes [] No
If yes, complete the Construction General Permit, 3-9020 Appendix A "Risk Evaluation" and associated erosion control plans and submit these with this NOI.

D. Receiving Water Information Use DEC's Waterbody Identification (WBID) ArcGIS webpage. Go to ArcGIS Explorer located at: <http://www.arcgis.com/explorer/>. Use the search tool in the upper right hand corner and type "DEC WBID."

1. Name of the facility's receiving water: Shelburne Bay Direct Discharge / VT05-11
(LaPlatte River)

2. Does stormwater from your facility drain to a Municipal Separate Storm Sewer System (MS4)?

Yes No If yes, name of MS4 operator (state/ city/ or town name): _____

3. Are any of your discharges directly into any segment of an "impaired" water (listed on the State's 303(d) List*)?

Yes No If yes, list the pollutant causing the impairment: Mercury and E. coli
Is the pollutant present in your discharge? Yes No Presence of mercury is due to atmospheric deposition;
Presence of E. coli is due to birds and other wildlife.
Has a TMDL been completed for the pollutant causing the impairment? Yes No

4. Are any of your discharges into an Outstanding Resource Water (ORW)? (for new dischargers only)

Yes No

ORWs include 1) Batten Kill River, Towns of East Dorset and Arlington, 2) Pike's Falls/Ball Mountain, Town of Jamaica, 3) Poultney River, Towns of Poultney and Fair Haven, and 4) Great Falls, Ompompanoosuc River, Town of Thetford.

*See http://www.vtwaterquality.org/stormwater/html/sw_msgp.htm for the State's 303(d) list and list of ORW segments.

E. Public Notice Requirement

You must provide a copy of this completed NOI form and the "Instructions for Public Comment, Appeals, and Posting the NOI" to the municipal clerk for posting in the municipality in which the discharge is to be located at the time your NOI is submitted to the Secretary. The municipal clerk must post the completed NOI. You must include the date on which the NOI was posted.

Date of Posting at Municipal Office(s): July 8, 2016

Information for the Municipal Clerk regarding posting instructions can be found on Page 3 of this NOI.

F. Certification

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, I certify that the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I certify that I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

Printed Name: David Wilton

Title: President

Signature: [Handwritten Signature] Date: 7/8/16

Submit this completed form with the \$680 fee (a \$240 administrative processing fee and a \$440 application fee) made payable to the State of Vermont:

VT Department of Environmental Conservation
Watershed Management Division, Stormwater Program – MSGP
1 National Life Drive, Main 2
Montpelier, VT 05620-3522

Instructions for Public Comment, Appeals and Posting the NOI

PUBLIC COMMENT

Public comments concerning this Notice of Intent to discharge under General Permit No 3-9003 are invited and must be submitted within 10 days of receipt of this Notice by the Municipal Clerk. Comments should address how the application complies or does not comply with the terms and conditions of General Permit No. 3-9003. A letter of interest should be filed by those persons who elect not to file comments but who wish to be notified if the comment period is extended or reopened for any reason. All written comments received within the time frame described above will be considered by the Department of Environmental Conservation in its final ruling to grant or deny authorization to discharge under General Permit No. 3-9003.

Send written comments to:

**VT Department of Environmental Conservation
Watershed Management Division, Stormwater Program – MSGP
1 National Life Drive, Main 2
Montpelier, VT 05620-3522**

Please cite the Facility Operator and Facility/Site name in any correspondence.

PUBLIC HEARING REQUEST

During the notice period, any person may submit a written request to this office for a public hearing to consider the proposed permit authorization. The request must state the interest of the party filing such request and the reasons why a hearing is warranted. A hearing will be held if there is a significant public interest (including the filing of requests or petitions for such hearing) in holding such a hearing. If the Secretary determines that useful information and data may be obtained thereby, the Secretary may hold a public hearing any time prior to the issuance of the authorization. Notice of a public hearing will be circulated 30 days prior to the hearing. (40 C.F.R. § 124.12 and Vermont Water Pollution Control Permit Regulations, Chapter 13.3G)

APPEALS

Pursuant to 10 V.S.A. Chapter 220, any appeal of this decision must be filed with the clerk of the Environmental Court within 30 days of the date of the decision. The appellant must attach to the Notice of Appeal the entry fee of \$250.00, payable to the state of Vermont.

The Notice of Appeal must specify the parties taking the appeal and the statutory provision under which each party claims party status; must designate the act or decision appealed from; must name the Environmental Court; and must be signed by the appellant or their attorney. In addition, the appeal must give the address or location and description of the property, project or facility with which the appeal is concerned and the name of the applicant or any permit involved in the appeal.

The appellant must also serve a copy of the Notice of Appeal in accordance with Rule 5(b)(4)(B) of the Vermont Rules for Environmental Court Proceedings.

For further information, see the Vermont Rules for Environmental Court Proceedings, available on line at www.vermontjudiciary.org. The address for the Environmental Court is 32 Cherry Street, 2nd Floor Suite 303 Burlington, Vermont 05401 (Tel. # 802-951-1740).

A copy of General Permit No. 3-9003 may be obtained by calling (802) 338-4835; by visiting the Department at the above address between the hours of 7:45 am and 4:30 pm; or by downloading from the Watershed Management Division's Web site at www.vtwaterquality.org.

INFORMATION FOR MUNICIPAL CLERK

Title 10 Chapter 47 §1263(b) provides for the public notice of an applicant's intent to discharge stormwater runoff associated with an industrial activity. Please post this notice and instruction sheet in a conspicuous place for 10 days from the date received. If you have any questions, contact the Watershed Management Division of the Department of Environmental Conservation at (802) 338-4835.