

**STATE OF VERMONT
AGENCY OF NATURAL RESOURCES
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

GENERAL PERMIT 3-9015

**NEW STORMWATER DISCHARGES
TO WATERS THAT ARE NOT PRINCIPALLY
IMPAIRED BY STORMWATER RUNOFF**

I. COVERAGE UNDER THIS GENERAL PERMIT

A. Introduction

The Secretary (“Secretary”) of the Agency of Natural Resources (“Agency”) is issuing this general permit for new discharges of stormwater runoff to waters of the State of Vermont that are not principally impaired by regulated stormwater runoff. This includes proposed new stormwater discharges to all Class A and Class B waters in the State except those waters listed as being principally impaired due to stormwater runoff on the EPA-approved State of Vermont 303(d) List of Waters. Proposed new stormwater discharges to waters principally impaired due to stormwater runoff must obtain coverage under an alternative general permit, if any, or under an individual stormwater discharge permit.

B. Permit Coverage Required

Coverage under this permit is required for the following proposed new stormwater discharges:

1. A discharge from new development equal to or greater than one (1) acre;
2. A discharge from the expansion of an existing impervious surface, such that the total resulting impervious surface is equal to or greater than one (1) acre, except that a permit is not required for an expansion that meets the exemption in subsection C.1.d of this permit;
3. A discharge from the redevelopment of an existing impervious surface if the redeveloped portion of the existing impervious surface is equal to or greater than one (1) acre;
4. A discharge from a combination of expansion and redevelopment of an existing impervious surface, such that the total resulting impervious surface is equal to or

greater than one (1) acre, except that a permit is not required for an expansion for an expansion that meets the exemption in subsection C.1.d of this permit;

5. A discharge from any size of impervious surface if the Secretary determines that treatment is necessary to reduce the adverse impacts of the discharge due to the size of the impervious surface, drainage pattern, hydraulic connectivity, installation or modification of drainage or conveyance structures, location of the discharge, existing stormwater treatment, condition of the receiving water, cumulative effects of other discharges to the waterbody, or other factors identified by the Secretary; and

6. If the acreage threshold for stormwater discharge permits is changed in a new Stormwater Management Rule issued by the Secretary after the effective date of this general permit, then discharges of stormwater runoff from new development, expansion, and redevelopment which meet the acreage thresholds in the new Stormwater Management Rule will be eligible for coverage under this general permit. In such a case, any authorization granted under this general permit will incorporate any applicable additional conditions and requirements set forth in the amended Stormwater Management Rule.

C. Exemptions

1. Coverage under this general permit is not required for

a) Discharges of stormwater runoff from farms subject to accepted agricultural practices adopted by the Secretary of Agriculture, Food And Markets and discharges of stormwater runoff from silvicultural activities subject to accepted management practices adopted by the Commissioner of Forests, Parks and Recreation;

b) Discharges of stormwater runoff that are already subject to a NPDES permit for a direct or indirect discharge from a wastewater treatment plant or by a permit issued pursuant to Vermont's Underground Injection Control Rule;

c) Discharges of regulated stormwater runoff from new development, redevelopment, or expansion of impervious surfaces if the discharge did not require a stormwater discharge permit prior to July 4, 2005, provided that:

(1) A technically complete application for all local, state, and federal permits, except NPDES construction activities permits, related to either the regulation of land use or a discharge to state waters has been submitted as of July 4, 2005, the applicant does not subsequently file an application for permit amendment that

would have an adverse impact on water quality, and substantial construction (e.g. construction of roads and drainage infrastructure) of the project commences within two years of July 1, 2005;

(2) All local, state, and federal permits, except NPDES construction activities permits, related to either the regulation of land use or a discharge to state waters has been obtained as of the effective date of July 4, 2005, and substantial construction (e.g. construction of roads and drainage infrastructure) of the project commences within two years of July 1, 2005;

(3) No local, state, or federal permit, except NPDES construction activities permits, related to either the regulation of land use or a discharge to state waters is required, and substantial construction (e.g. construction of roads and drainage infrastructure) of the project commences within two years of July 1, 2005;

(4) or the new development, redevelopment, or expansion is a linear project, and an order of necessity has been issued or right-of-way acquisition has been substantially completed as of July 1, 2004, and construction of the project commences within five years after July 1, 2004;

d) The expansion of an existing impervious surface, such that the total resulting impervious surface is equal to or greater than one (1) acre, if:

(1) the increase or addition of impervious surface is less than 5,000 square feet; and

(2) the expansion is made to existing impervious surfaces created prior to June 1, 2002; and

(3) This exemption may be used for consecutive expansions of an existing impervious surface up to a cumulative total of 5,000 square feet. When the cumulative total expansion exceeds 5,000 square feet, the expanded impervious surface in excess of 5,000 square feet must comply with the treatment standard in subsection III.A of this permit.

e) The redevelopment of an existing impervious surface if the redeveloped portion of the existing impervious surface is less than one (1) acre;

f) Discharges of regulated stormwater runoff into a water that is not a stormwater-impaired water from impervious surfaces in existence as of January 1, 1978;

- g) Discharges of regulated stormwater runoff into a water that is not a stormwater-impaired water from impervious surfaces of less than one (1) acre regardless of when constructed;
- h) Discharges of regulated stormwater runoff from a single family or duplex residence, including associated driveways, that are not built as part of a multi-family residential subdivision; and
- i) Discharges of regulated stormwater runoff from the portion of a bridge superstructure that spans the normal water level of a receiving water and normally no water from the approaches flows to the bridge deck.

2. Notwithstanding the exemptions in subsection I.C.1, a stormwater discharge permit is required for a discharge described in any such subsection if the Secretary makes a determination that a permit is required pursuant to subsection I.B.5 of this permit.

D. Relation to Other Permits

Permittees seeking coverage under this general permit should be aware that their activities may also require a permit or approval pursuant to other State and federal laws, including but not limited to:

1. 10 V.S.A. §1259 (Underground Injection Wells), which might require a permit for the discharge of stormwater to an underground injection well (eg. floor drains, etc.) for projects that do not meet the acreage threshold for coverage under this general permit;
2. 40 CFR §122.26, which requires a National Pollutant Discharge Elimination System (NPDES) permit for stormwater discharges associated with large construction activity as defined in 40 CFR ' 122.26(b)(14)(x) and stormwater discharges associated with small construction activity as defined in 40 CFR §122.26(b)(15);
3. 40 CFR §122.26, which requires a National Pollutant Discharge Elimination System (NPDES) permit for stormwater discharges associated with industrial activities as defined in 40 CFR §122.26(b)(14);
4. Section 404 of the federal Clean Water Act, 33 FWPCA §1344; and
5. The Vermont Wetland Rules, which require approval for certain activities affecting wetlands.

E. Definitions

NOTE: Additional definitions are set forth in the Glossary of the Vermont Stormwater Management Manual.

1. “Agency” means the Vermont Agency of Natural Resources.
2. “Applicant” means a person applying for permit coverage. In some cases, more than one person may apply as co-applicants.
3. “Authorization to Discharge” means an authorization to discharge issued by the Secretary pursuant to a general permit.
4. “Best Management Practice” or "BMP" means a schedule of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce water pollution, including but not limited to the stormwater treatment practices (STPs) set forth in the Vermont Stormwater Management Manual.
5. “Clean Water Act” means the federal Clean Water Act, 33 U.S.C.A. §1251 et. seq.
6. “Common plan of development” means a development that is completed in phases or stages when such phases or stages share a common state or local permit related to the regulation of land use, the discharge of wastewater or a discharge to surface waters or groundwater, or a development designed with shared common infrastructure. Common plans include, but are not limited to, subdivisions, industrial and commercial parks, university and other campuses and ski areas.
7. “New Development” means the construction of new impervious surface on a tract or tracts of land where no impervious surface previously existed.
8. “Existing impervious surface” means an impervious surface that is in existence, regardless of whether it ever required a stormwater discharge permit.
9. “Existing Stormwater Discharge” means a discharge of regulated stormwater runoff which first occurred prior to June 1, 2002 and that is subject to the permitting requirements of 10 V.S.A. Chapter 47.
10. "Expansion" and “the expanded portion of an existing discharge” mean an increase or addition of new impervious surface to an existing impervious surface, such that the total resulting impervious surface is greater than the minimum regulatory threshold.

- 11.** “Impervious Surface” means those man made surfaces, including, but not limited to, paved and unpaved roads, parking areas, roofs, driveways and walkways, from which precipitation runs off rather than infiltrates.
- 12.** "Municipality" means an incorporated city, town, village or gore, a fire district established pursuant to state law, or any other duly authorized political subdivision of the state.
- 13.** “NPDES” means the National Pollutant Discharge Elimination System for the issuance of permits under section 402 of the federal Clean Water Act and includes the Vermont-administered NPDES program authorized by the federal Environmental Protection Agency.
- 14.** “New impervious surface” means an impervious surface created after the effective date of this Rule.
- 15.** "New Stormwater Discharge" means a new or expanded discharge of regulated stormwater runoff, subject to the permitting requirements of 10 V.S.A. Chapter 47, which first occurs after June 1, 2002 and has not been previously authorized pursuant to 10 V.S.A. Chapter 47.
- 16.** “Person” means any individual, partnership, company, corporation, association, joint venture, trust, municipality, the state of Vermont or any agency, department or subdivision of the state, any federal agency, or any other legal or commercial entity.
- 17.** “Project” means the new development, expansion, redevelopment and/or existing impervious surface that the Secretary is considering for coverage under an individual or general permit or which has received coverage under an individual or general permit.
- 18.** “Regulated stormwater runoff” means precipitation, snowmelt, and the material dissolved or suspended in precipitation and snowmelt that runs off impervious surfaces and discharges into surface waters or into groundwater via infiltration.
- 19.** “Redevelopment” means the reconstruction of an impervious surface where an impervious surface currently exists, when such reconstruction involves substantial site grading, substantial subsurface excavation, or modification of existing stormwater conveyance such that the total of impervious surface to be constructed or reconstructed is greater than the minimum regulatory threshold. Redevelopment does not mean management activities on impervious surfaces, including any crack sealing, patching, coldplaning, resurfacing, paving a gravel road, reclaiming, or grading treatments used to maintain pavement, bridges and unpaved roads. Redevelopment does not include expansions.

- 20.** “Secretary” means the Secretary of the Agency of Natural Resources or the Secretary’s duly authorized representative.
- 21.** “Site” means either the drainage area that includes all portions of a project contributing stormwater runoff to one or more discharge points; or, the area that includes all portions of disturbed area within a project contributing stormwater runoff to one or more discharge points. The choice of either of these two methods of calculating the site area shall be at the discretion of the designer. In cases where there are multiple discharges to one or more waters, “site” shall mean the total area of the sub-watersheds. For linear projects, including but not limited to highways, roads and streets, the term “site” includes the entire right of way within the limits of the proposed work, or all portions of disturbed area within the right of way associated with the project. The method of calculating the site area for linear projects shall be at the discretion of the designer. Calculations of a site are subject to the Secretary’s review under Section 18-303 of the Vermont Stormwater Management Rule.
- 22.** “Stormwater discharge permit” or “stormwater permit” means a permit issued by the Secretary for the discharge of regulated stormwater runoff to waters that are not stormwater-impaired waters.
- 23.** “Stormwater-impaired water” means a state water listed as being impaired principally due to stormwater runoff on the EPA-approved State of Vermont 303(d) List of Waters prepared pursuant to 33 U.S.C. 1313(d).
- 24.** “Stormwater runoff” means precipitation and snowmelt that does not infiltrate into the soil, including material dissolved or suspended in it, but does not include discharges from undisturbed natural terrain or wastes from combined sewer overflows.
- 25.** “Substantially deteriorated” means the condition of a stormwater treatment practice that would necessitate repair or reconstruction beyond that which would be considered routine, periodic maintenance for a system of similar design.
- 26.** “Tract or tracts of land” means a portion of land with defined boundaries created by a deed. A deed may describe one or more tracts.
- 27.** “Total resulting impervious surface” means the total impervious area resulting from the creation of new impervious surface and any impervious surface that is part of a “Common plan of development.”
- 28.** “Watershed” means the total area of land contributing runoff to a specific point of interest within a receiving water.
- 29.** “Vermont Stormwater Management Manual” means the Agency of Natural Resources’ stormwater management manual.

30. “303(d) List” means the EPA-approved State of Vermont 303(d) List of Waters prepared pursuant to 33 U.S.C. 1313(d).

F. Phased Development and Circumvention

If any development, expansion or redevelopment does not meet the permit acreage thresholds in Part I.B. of this general permit or in any new Stormwater Management Rule, but is part of an anticipated larger development completed in two or more phases that will meet such acreage thresholds, then coverage under this general permit for each phase of the development is required.

If the Secretary determines that a person has separated a single project into components in order to avoid the regulatory minimum threshold or other requirements of this Rule, the person shall be required to submit a permit application for the component parts.

This subsection is not intended to include the types of scattered or non-contiguous projects that are set forth as planned development in long-range transportation plans, regional plans, municipal plans, or housing authority plans.

G. Legal Authority

This general permit is issued in accordance with 10 V.S.A. §§1258, 1259, 1263, 1264 and 1267, and Ch. 18 of the Environmental Protection Rules (Stormwater Management Rule) and Rule 13.12 of the Vermont Water Pollution Control Regulations (“General Permit Rules”).

II. APPLICATION REQUIREMENTS AND IMPLEMENTATION DEADLINES

A. Who Must File Application

The applicant shall own or control the impervious surfaces for which permit coverage is required. If the applicant merely controls the impervious surfaces, the owner of the impervious surfaces shall be a co-applicant, unless the applicant that controls the impervious surface is a municipality or stormwater utility that has assumed responsibility for the management of discharges of regulated stormwater runoff from the impervious surfaces.

A municipality or stormwater utility may apply as the permittee in lieu of the owner(s) of the impervious surfaces for which coverage under this general stormwater discharge permit is sought, provided that the municipality or stormwater utility accepts

responsibility for compliance with the general permit and has the legal authority to do so.

An application for an existing housing or commercial project shall include the owners association, condominium association or other common association as co-permittee with applicant. The Secretary may waive this requirement for existing developments on a case-by-case basis if a responsible party or parties accept(s) responsibility for the stormwater management system. If application is made in connection with a new housing or commercial development, the developer and an owners association, condominium association, other common association or other legal entity accepting responsibility for the stormwater management system shall apply as co-permittees.

B. Contents of Application

An application for coverage under this general permit shall consist of a completed Notice of Intent (NOI) form with all necessary attachments and fees. Applications shall be submitted in electronic format per instructions provided by the Department, or, if available through an electronic NOI system. Application instructions, including the mailing address for application is available at the Stormwater Program's website at www.vtwaterquality.org/stormwater.htm

The NOI must be signed by a designer acceptable to the Secretary.

C. Determination of Complete Application

Once the Secretary has determined that an application is complete, the Secretary will provide a written determination of complete application to the applicant.

D. Additional Information

The Secretary may require that an applicant submit additional information that the Secretary considers necessary in order to make a decision on the issuance or denial of an authorization to discharge pursuant to this general permit. The Secretary may deny coverage under this general permit if the additional information requested is not provided to the Secretary within sixty (60) days of the Secretary's request or within such other time period specified by the Secretary.

E. Public Notice of Application

Once the Secretary deems an application complete, the Secretary shall provide notice to the municipal clerk of the municipality in which the discharge is located, shall post notice on DEC's website and shall provide notice to a list of interested persons, if any.

F. Public Comments on the Application

For a period of ten (10) days following public notice of the application, the Secretary shall provide an opportunity to the public to provide written comment regarding whether

the application complies with the terms and conditions of the general permit, pursuant to 10 V.S.A. § 1263(b).

G. Authorization to Discharge

An applicant shall be authorized to discharge stormwater pursuant to this general permit upon the receipt of a written authorization by the Secretary that the stormwater discharge is eligible for coverage under the terms and conditions of this general permit, provided the permittee has filed the authorization to discharge in the local land records in accordance with Part VI.N of this general permit.

H. Designer's Statement of Compliance at Completion of Construction

Within thirty (30) days of the completion of construction of the permitted stormwater management system, the permittee shall submit to the Secretary a written statement signed by a designer that the stormwater management system was built and is currently operating in compliance with Part III. A and/or B, whichever is applicable, of this general permit.

III. STORMWATER TREATMENT STANDARDS AND STPS

A. Treatment Standards and Stormwater Treatment Practices (STPs) for New Development and Expansion

1. General Treatment Standards

A permittee for new development or expansion of existing development shall meet the standards for new development or expansion of existing development set forth in the Vermont Stormwater Management Manual in effect at the time of application.

2. STPs Available for Use in Meeting Treatment Standards

A permittee for new development or expansion of existing development shall use the STPs in the Vermont Stormwater Management Manual, alone or in combination, in order to meet the applicable treatment standards. An alternative STP may be used to meet the applicable treatment standards if the alternative is accepted by the Secretary pursuant to the Vermont Stormwater Management Manual.

3. STP Required Design Elements

A permittee for new development or expansion of existing development shall comply with the required design elements in the Vermont Stormwater Management Manual for the chosen STPs.

B. Treatment Standards and STPs for Redevelopment

1. General Treatment Standards

A permittee for redevelopment of existing impervious surfaces shall comply with the treatment performance standard for water quality set forth in the Vermont Stormwater Management Manual.

2. STPs Available for Use in Meeting Treatment Standards

A permittee for redevelopment shall use the STPs in the Vermont Stormwater Management Manual, alone or in combination, in order to meet the applicable water quality treatment standard. An alternative STP may be used to meet the applicable water quality treatment standard if it is accepted by the Secretary pursuant to the Vermont Stormwater Management Manual.

3. STP Required Design Elements

A permittee for redevelopment shall comply with the required design elements in the Vermont Stormwater Management Manual for the chosen STPs.

IV. PROHIBITION

Discharges of any material other than stormwater, including but not limited to vehicle and equipment maintenance spills, fuels, wash water, construction debris, oil and other hazardous substances, are not authorized by this general permit.

V. OPERATION AND MAINTENANCE

A. Operation and Maintenance of Stormwater Management System

The permittee shall at all times properly operate, inspect and maintain all stormwater collection, treatment and control systems which are installed and used to achieve compliance with this general permit. The permittee shall use the operation, maintenance and inspection checklists provided by the Secretary. The condition of the permitted facility shall at no time contribute to a violation of the terms, conditions, requirements, limitations and restrictions specified by this general permit.

B. Proper Disposal of Solids

Solids, sediments and other pollutants collected and removed in the course of treatment or control of stormwater runoff shall be disposed of in a manner to prevent any pollutant from entering waters or wetlands.

C. Annual Inspection and Report

The stormwater collection, treatment and control system shall be properly operated. The permittee shall submit an annual inspection report on the operation, maintenance and condition of the stormwater collection, treatment and control system. The inspection shall be conducted between the conclusion of spring snow melt and June 15th of each year and the inspection report shall be submitted to the Secretary by July 15th of each year, or by July 30th if performed by a utility or municipality pursuant to a duly adopted stormwater management ordinance. The inspection report shall note all problem areas and all measures taken to correct any problems and to prevent future problems.

D. Designer's Re-Statement of Compliance

In accordance with a schedule provided in the authorization to discharge, a permittee shall submit to the Secretary a written statement signed by a designer that the stormwater collection, treatment and control system authorized by this general permit is properly operating and maintained. Failure to submit a designer's re-statement of compliance shall constitute a violation of this general permit and may result in the revocation of an authorization to discharge under this general permit.

E. Corrective Action

Any erosion or associated discharge of sediment from the stormwater collection, treatment and control system shall be corrected immediately. Any deficiencies noted during inspections shall be corrected as soon as possible, but no later than thirty (30) days after detection.

F. Record Keeping

The permittee shall retain on-site a copy of all written records relating to the stormwater collection, treatment and control system and this general permit, including but not limited to calculations used to size STPs, until further notice by the Secretary. The permittee shall make such records available to the Secretary upon request.

G. Changes to a Permitted Development

A permittee shall notify the Secretary of any planned development or facility expansions or project changes. The Secretary may require the permittee to submit additional information on the proposed changes. The Secretary shall determine the appropriateness of continued inclusion under this general permit by the modified development or facility. The Secretary may amend the authorization to discharge or the Secretary may require the permittee to seek coverage under another general permit or an individual discharge permit.

VI. STANDARD CONDITIONS

A. Duty to Comply

The permittee shall comply with all terms and conditions of this general permit and all authorizations to discharge issued hereunder. Any permit noncompliance shall constitute a violation of 10 V.S.A. Chapter 47 and may be cause for an enforcement action and/or revocation, modification or suspension of the permittee's authorization to discharge under this general permit.

B. Duty to Reapply

If the authorized stormwater discharge is to continue after the expiration date of the authorization to discharge the permittee shall reapply for coverage under General Permit 3-9010 for Previously Permitted Discharges to Waters That Are Not Principally Impaired by Stormwater Runoff, or under a new applicable general permit, if any, at least ninety (90) days prior to the expiration date of the authorization to discharge. If there is no applicable general permit, then the permittee shall apply for coverage under an individual permit at least ninety (90) days prior to the expiration date of the authorization to discharge.

C. Continuation of the Expired General Permit

If this permit is not reissued or replaced prior to its expiration date, it will be administratively continued and remain in force and effect. If a permittee was granted permit coverage prior to the expiration date, the permittee shall automatically remain covered by the continued permit until the earliest of:

1. Reissuance or replacement of this permit, at which time the permittee must comply with the conditions of the new permit to maintain authorization to discharge; or
2. Issuance of an individual permit for the project's discharges; or
3. A formal permit decision by the Secretary to not reissue this general permit, at which time the permittee must seek coverage under an alternative general permit or an individual permit.

D. Transfer of Authorization to Discharge

Nothing herein is intended to relieve the current permittee's obligation to comply with all terms and conditions of the existing authorization to discharge under the subject general permit or individual stormwater discharge permit. Provided all applicable fees under 3 V.S.A. §2822 have been paid, an authorization to discharge issued pursuant to this general permit may be transferred as specified in §18-308(h) of the Stormwater Management Rule.

E. Requiring an Individual Permit

The Secretary may require any person who files an application for coverage or who is already covered under this general permit to apply for an individual permit if the stormwater discharge does not qualify for coverage under this general permit or if the Secretary finds that an individual permit is required pursuant to Section 13.12D of the General Permit Rules.

F. Modification of General Permit

After notice and opportunity for public hearing, this general permit may be modified in accordance with Section 18-307(e) of the Stormwater Management Rule.

G. Right of Entry

The permittee shall allow the Secretary or his/her authorized representatives, at reasonable times and upon the presentation of credentials, to:

1. Enter upon and inspect the permitted development and the stormwater collection, treatment and control system and to sample any discharge to determine compliance with this general permit; and
2. Have access to and copy any records required to be kept pursuant to this general permit.

H. Operating Fees

Pursuant to 3 V.S.A. §2822, stormwater discharges authorized by this general permit are subject to operating fees. The permittee shall submit all operating fees in accordance with procedures provided by the Secretary. Failure to pay all operating fees shall constitute a violation of this general permit.

I. Rights and Privileges

This general permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations. This general permit does not obviate the necessity of obtaining such federal, state, or local permits or approvals as may be required by law.

J. Need to Halt or Reduce Activity Not a Defense

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 in order to maintain compliance with the conditions of this general permit.

K. Responsibilities and Liabilities Under Other Laws

Nothing in this general permit shall be construed to preclude the institution of legal action or relieve the permittee from any responsibilities, liabilities or penalties to which the permittee is or may be subject to under other laws.

L. Revocation

An authorization to discharge under this general permit may be revoked in accordance with §18-308(k) of the Stormwater Management Rule.

M. Enforcement

Any violation of this general permit or relevant state law may result in the institution of legal proceedings pursuant to 10 V.S.A. §1274 or §1275 and/or 10 V.S.A. Chapters 201 and 211. Such legal proceedings may include, but are not limited to, the issuance of orders, the levying of penalties and/or imprisonment. Legal proceedings may also be instituted if a person knowingly makes any false statement, representation or certification in any application, record, report, plan or other document, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method, in connection with this general permit and any authorization to discharge issued under this general permit. In addition, the Secretary may issue orders pursuant to 10 V.S.A. §1272 and §1277 and may take any and all other enforcement actions, without limitation, provided by law.

N. Filing with Local Land Records

An authorization to discharge pursuant to this general stormwater permit shall be recorded by the permittee in the local land records within fourteen (14) days of the issuance of the authorization to discharge. A copy of the notice form that must be filed is available from the Secretary. A copy of the recording shall be provided to the Secretary within fourteen (14) days of the permittee's receipt of a copy of the recording from the local land records. Stormwater discharge permits for public roads are exempted from the recording requirements in this section. An authorization to discharge under this general permit shall not be effective until the notice of authorization is filed in the local land records in accordance with this Subpart.

VII. APPEALS

A. Renewable Energy Projects – Right to Appeal to Public Service Board

Any appeal of this decision must be filed with the clerk of the Vermont Public Service Board pursuant to 10 V.S.A. §8506 within 30 days of the date of this decision. The appellant must file with the Clerk an original and six copies of its appeal. The appellant shall provide notice of the filing of an appeal in accordance with 10 V.S.A. §8504(c)(2), and shall also serve a copy of the Notice of Appeal on the Vermont Department of Public

Service. For information, see the Rules and General orders of the Public Service Board available on line at www.psb.vermont.gov. The address for the Public Service Board is 112 State Street, Montpelier, Vermont 05620-2701 (Tel. #802-828-2358).

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.

B. All Other Projects – Right to Appeal to Environmental Court

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 2418 Airport Road, Suite 1, Barre, VT 05641-8701 (Tel. #802-828-1660).

VIII. TERM

This permit is valid upon signing and shall remain in effect for ten years from the date of signing.

State of Vermont
Agency of Natural Resources

David K. Mears, Commissioner
Department of Environmental Conservation

BY:

Peter LaFlamme, Director
Watershed Management Division