

**VERMONT MULTI-SECTOR GENERAL PERMITS FOR STORMWATER
DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITY
MSGP 3-9003
NPDES NUMBER VTR050001**

**AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**

In compliance with the provisions of the Clean Water Act (CWA), as amended (33 U.S.C. 1251 *et seq.*), and 10 VSA §§ 1250-1283, operators of stormwater discharges associated with industrial activity located in an area identified in Appendix D are authorized to discharge to waters of the United States in accordance with the eligibility and Notice of Intent (NOI) requirements, effluent limitations, inspection requirements, and other conditions set forth in this permit. This permit is structured as follows:

- general requirements that apply to all facilities are found in Parts 1 through 7;
- industry sector-specific requirements are found in Part 8; and

The Appendices (A through F) contain additional permit conditions that apply to all operators covered under this permit.

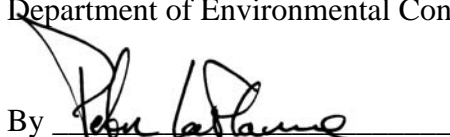
This permit becomes effective on August 4, 2011.

This permit and the authorization to discharge expire at midnight, August 4, 2016.

Signed and issued this 4th day of August, 2011

David K. Mears, Commissioner
Department of Environmental Conservation

By


Peter LaFlamme, Director
Water Quality Division

**NPDES MULTI-SECTOR GENERAL PERMITS FOR STORMWATER
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1. Coverage under this Permit.

1.1 Legal Authority.

This is a Vermont National Pollution Discharge Elimination System (NPDES) permit required by federal and state law. Similar permits are in effect throughout the United States. The principal legal authorities governing this permit are Sections 402(b), 402(c) and 402(p) of the federal Clean Water Act (33 USC §§ 1342[b], 1342[c] and 1342[p]), 40 CFR 122.26 (which sets forth the details of federal permit requirements), 10 VSA §§1258, 1263, 1264 and 1264a (which govern issuance of permits and management of stormwater), and Chapters 13 and 13.12 of the Vermont Environmental Protection Rules (which govern issuance of NPDES permits and state general permits). Other legal requirements also apply, including those governing federal, state and citizen enforcement actions.

1.2 Eligibility.

1.2.1 Facilities Covered.

To be eligible to discharge under this permit, you must (1) have a stormwater discharge associated with industrial activity from your primary industrial activity, as defined in Appendix A, provided your primary industrial activity is included in Appendix D, or (2) be notified by the Secretary that you are eligible for coverage under Sector AD of this permit.

If you are undertaking construction activity you may need to obtain coverage under a NPDES General Permit for Stormwater Runoff from Construction Sites (NPDES General Permit 3-9020 or its replacement) or obtain an individual NPDES construction permit.

Your stormwater discharge may also require coverage under an individual or general operational state stormwater permit (General Permit 3-9010 or 3-9015) for post-construction stormwater treatment facilities. You should contact the Vermont Department of Environmental Conservation (DEC) Stormwater Program at (802) 241-4320 for assistance in determining which stormwater permit requirements are applicable to your site and activities.

1.2.2 Allowable Stormwater Discharges.

Unless otherwise made ineligible under Part 1.2.4, the following discharges are eligible for coverage under this permit:

1.2.2.1 Stormwater discharges associated with industrial activity for any primary industrial activities and co-located industrial activities, as defined in Appendix A;

1.2.2.2 Discharges designated by the Secretary as needing a stormwater permit as provided in Sector AD;

1.2.2.3 Discharges designated by the Secretary as needing a stormwater permit to implement an approved TMDL or to address exceedances of water quality standards as outlined in 40 CFR 122.26(a)(9)(i)(C) or (D);

1.2.2.3 Discharges that are not otherwise required to obtain NPDES permit authorization but are commingled with discharges that are authorized under this permit;

1.2.2.4 Discharges subject to any of the national stormwater-specific effluent limitations guidelines listed in Table 1-1; and

1.2.2.5 For any facility where the New Source Performance Standards (NSPS) identified in Table 1-1 apply

Table 1-1. Stormwater-specific Effluent Limitations Guidelines

Regulated Discharge	40 CFR Section	MSGP Sector	New Source Performance Standard (NSPS)	New Source Date
Discharges resulting from spray down or intentional wetting of logs at wet deck storage areas	Part 429, Subpart I	A	Yes	1/26/81
Runoff from phosphate fertilizer manufacturing facilities that comes into contact with any raw materials, finished product, by-products or waste products (SIC 2874)	Part 418, Subpart A	C	Yes	4/8/74
Runoff from asphalt emulsion facilities	Part 443, Subpart A	D	Yes	7/28/75
Runoff from material storage piles at cement manufacturing facilities	Part 411, Subpart C	E	Yes	2/20/74
Mine dewatering discharges at crushed stone, construction sand and gravel, or industrial sand mining facilities	Part 436, Subparts B, C, and D	J	No	N/A
Runoff from hazardous waste and non-hazardous waste landfills	Part 445, Subparts A and B	K, L	Yes	2/2/00
Runoff from coal storage piles at steam electric generating facilities	Part 423	O	Yes	11/19/82 (10/8/74) ¹

¹ NSPS promulgated in 1974 were not removed via the 1982 regulation; therefore wastewaters generated by Part 423-applicable sources that were New Sources under the 1974 regulations are subject to the 1974 NSPS.

1.2.3 Allowable Non-Stormwater Discharges.

The following are the non-stormwater discharges authorized under this permit:

- Discharges from fire-fighting activities;
- Fire hydrant flushings;
- Potable water, including water line flushings;
- Uncontaminated condensate from air conditioners, coolers, and other compressors and from the outside storage of refrigerated gases or liquids;
- Irrigation drainage;
- Landscape watering provided all pesticides, herbicides, and fertilizer have been applied in accordance with the approved labeling;
- Pavement wash waters where no detergents are used and no spills or leaks of toxic or hazardous materials have occurred (unless all spilled material has been removed);
- Routine external building washdown that does not use detergents;
- Uncontaminated ground water or spring water;
- Foundation or footing drains where flows are not contaminated with process materials; and
- Incidental windblown mist from cooling towers that collects on rooftops or adjacent portions of your facility, but not intentional discharges from the cooling tower (e.g., “piped” cooling tower blowdown or drains).

These allowable non-stormwater discharges are subject to the Secretary’s discretion pursuant to Part 1.6.1 to require an individual permit. In addition, if any of these allowable non-stormwater discharges may reasonably be expected to be present and to be mixed with stormwater discharges, they must be specifically identified and addressed in the facility’s SWPPP (See Part 5.1.3.4).

1.2.4 Limitations on Coverage.

1.2.4.1 Discharges Mixed with Non-Stormwater. Stormwater discharges that are mixed with non-stormwater other than those non-stormwater discharges listed in Part 1.2.3, are not eligible for coverage under this permit.

1.2.4.2 Stormwater Discharges Associated with Construction Activity. Stormwater discharges associated with construction activity disturbing one acre or more are not eligible for coverage under this permit, unless in conjunction with mining activities or certain oil and gas extraction activities as specified in Sectors G, H, I, and J of this permit. Construction activity is defined in 40 CFR 122.26(b)(14)(x) or 40 CFR 122.26(b)(15). All other discharges associated with construction activity require coverage under NPDES General Permit for Stormwater Runoff from Construction Sites (General Permit 3-9020 or its replacement), an individual construction permit, or approval by a municipality covered under the Agency’s Phase II MS4 general permit.

1.2.4.3 Discharges Currently or Previously Covered by Another Permit. Unless you received written notification from the Secretary specifically allowing these discharges to be covered under this permit, you are not eligible for coverage under this permit for any of the following:

- Stormwater discharges associated with industrial activity that are currently covered under an individual NPDES permit or an alternative NPDES general permit;
- Discharges covered within five years prior to the effective date of this permit by an individual permit or alternative general permit where that permit established site-specific numeric water quality-based limitations developed for the stormwater component of the discharge; or
- Discharges from facilities where any NPDES permit has been or is in the process of being denied, terminated, or revoked by EPA or the State (this does not apply to the routine reissuance of permits every five years).

1.2.4.4 Stormwater Discharges Subject to Effluent Limitations Guidelines. For discharges subject to stormwater effluent limitation guidelines under 40 CFR, Subchapter N, only those stormwater discharges identified in Table 1-1 are eligible for coverage under this permit.

1.2.4.5 Endangered and Threatened Species and Critical Habitat Protection. Coverage under this permit is available only if your stormwater discharges, allowable non-stormwater discharges, and stormwater discharge-related activities will not adversely affect any species that are state or federally-listed as endangered or threatened (“listed”) under the Endangered Species Act (ESA) and will not result in the adverse modification or destruction of habitat that is federally-designated as “critical habitat” under the ESA or Vermont’s Protection of Endangered Species Law, 10 VSA §§ 5401-5410. You must meet one of the criteria below, following the procedures in Appendix E:

Criterion A. No state or federally-listed threatened or endangered species or their federally-designated critical habitat are in proximity to your facility; or

Criterion B. Consultation has been performed for a separate federal action regarding your facility under Section 7 of the federal Endangered Species Act between a Federal agency and the federal Fish and Wildlife Service and/or the National Marine Fisheries Service (together, the “Services”). Consultations can be either formal or informal, and would have occurred only as a result of a separate action (e.g., during application for an individual wastewater discharge permit, the issuance of a wetlands dredge and fill permit, or as a result of a NEPA review).

The consultation must have addressed the effects of the facility’s stormwater discharges, allowable non-stormwater discharges, and stormwater discharge-related activities on state and federally-listed threatened or endangered species and federally-designated critical habitat, and resulted in either:

- i. a biological opinion finding no jeopardy to federally-listed species or

destruction/adverse modification of federally-designated critical habitat;
or

- ii. written concurrence from the Services with a finding that the facility’s stormwater discharges associated with industrial activity and allowable non-stormwater discharges are not likely to adversely affect any federally-listed species or federally-designated critical habitat; or

Criterion C. In the case that a State listed species is identified, the industrial activities are authorized through the issuance of an Endangered and Threatened Species permit under 10 VSA section 5408 and that authorization addresses the effects of the stormwater discharges associated with industrial activity and allowable non-stormwater discharges on state-listed species. In the case that a Federally listed species is identified, the industrial activities are authorized through the issuance of a permit under section 10 of the ESA and the issuance of an Endangered and Threatened Species permit under 10 VSA section 5408, and those authorizations address the effects of the stormwater discharges associated with industrial activity and allowable non-stormwater discharges on listed species and designated critical habitat; or

Criterion D. Coordination between the operator and the Services or the Vermont Fish and Wildlife has been concluded. The coordination must have addressed the effects of the facility’s storm water discharges associated with industrial activity and allowable non-storm water discharges on federally-listed threatened or endangered species and federally-designated critical habitat, or upon State listed threatened or endangered species as required. The result of the coordination must be a written statement from the Services or from the State, as applicable, that there are not likely to be any adverse affects to federally-listed species or federally-designated critical habitat, or State-listed species as applicable. Any conditions or prerequisites deemed necessary to achieve no adverse effects become compliance conditions for MSGP coverage; or

Criterion E. Authorizing your stormwater discharges associated with industrial activity, discharge-related activities, and allowable non-stormwater discharges is consistent with the determination that the issuance of the MSGP is not likely to adversely affect any federally-listed endangered and threatened (“listed”) species or designated critical habitat (“critical habitat”). To support your determination that you meet Criterion E, you must provide supporting documentation for your determination.

If you are an existing discharger, you must provide the following information with your completed Notice of Intent (NOI) form: (1) a list of the federally-listed threatened or endangered species or their designated critical habitat that are likely to occur in the “action area”; (2) a list of the pollutant parameters for which you have ever exceeded the benchmark or applicable effluent limitations guideline, or for which you have ever been found to have caused or contributed to an exceedance of an applicable water quality standard or to have violated a State or

Tribal water quality requirement (Part 9); and (3) your rationale supporting your determination that you meet Criterion E, including appropriate measures to be undertaken to avoid or eliminate the likelihood of adverse effects.

If you are a new discharger, you must provide the following information with your completed NOI form: (1) a list of the federally-listed threatened or endangered species or their designated critical habitat that are likely to occur in the “action area”; (2) a list of the potential pollutants in your discharge; and (3) your rationale supporting your determination that you meet Criterion E, including appropriate measures to be undertaken to avoid or eliminate the likelihood of adverse effects; or

Criterion F. The facility’s stormwater discharges associated with industrial activity and allowable non-stormwater discharges were already addressed in another operator’s SWPPP under Criteria A-D which included the industrial activities and there is no reason to believe that state and federally-listed species or state and federally-designated critical habitat not considered in the prior certification may be present or located in proximity to the facility. To certify compliance under this criterion there must be no lapse of coverage in the other operator’s certification. By certifying compliance under this criterion, you agree to comply with any measures or controls upon which the other operator's certification was based. You must comply with any applicable terms, conditions, or other requirements developed in the process of meeting the eligibility requirements of the criteria in this section to remain in compliance with this permit. Such terms and conditions must be documented and incorporated into your SWPPP.

1.2.4.6 Historic Properties Preservation. Each permittee must comply with applicable federal and state or local laws concerning the protection of historic properties and places.

1.2.4.7 New Discharges to Water Quality Impaired Waters. If you are a new discharger you are not eligible for coverage under this permit to discharge to an “impaired water”, as defined in Appendix A unless, in advance of submitting your NOI, you provide to the Secretary:

- a. documentation of procedures taken to prevent all exposure to stormwater of the pollutant(s) for which the waterbody is impaired, and retain documentation onsite with your SWPPP; or
- b. documentation showing that the pollutant(s) for which the waterbody is impaired is not present at your site, and retain documentation of this finding with your SWPPP; or
- c. data to support a showing that the discharge is not expected to cause or contribute to an exceedance of a water quality standard, and retain such data onsite with your SWPPP. To do this, you must provide data and other technical information to the Secretary sufficient to demonstrate:

- i. For discharges to waters without an EPA approved or established TMDL, that the discharge of the pollutant for which the water is impaired will meet in-stream water quality criteria at the point of discharge to the waterbody; or
- ii. For discharges to waters with an EPA approved or established TMDL, that there are sufficient remaining wasteload allocations in an EPA approved or established TMDL to allow your discharge and that existing dischargers to the waterbody are subject to compliance schedules designed to bring the waterbody into attainment with water quality standards.

You are eligible under Part 1.2.4.7 if you receive an affirmative determination from the Secretary that your discharge will not contribute to the existing impairment, in which case you must maintain such determination onsite with your SWPPP.

1.2.4.8 New Discharges to Waters Designated as Tier 3 for Antidegradation Purposes. If you are a new discharger, you are not eligible for coverage under this permit for discharges to waters designated as Tier 3 (outstanding resource waters) so classified as a result of their water quality or habitat (see list of Tier 3 waters on the Agency's website at http://www.vtwaterquality.org/stormwater/htm/sw_msgp.htm).

1.3 Permit Compliance, Enforcement and Orders to Control Discharges and Violations

Any noncompliance with the requirements of this Permit constitutes a violation of Vermont's Water Pollution Control Law, 10 VSA Chapter 47 and the Clean Water Act (CWA). For provisions specifying a time period to remedy noncompliance (including, but not limited to, Parts 2.2, 2.3 and 3.3), the initial BMP or SWPPP deficiency constitutes a violation of the Permit, 10 VSA Chapter 47 and the CWA (unless specifically otherwise stipulated), and subsequent failure to remedy such deficiencies within the specified time periods constitutes an independent, additional violation of the Permit, 10 VSA Chapter 47 and the CWA. Therefore, any time periods specified for remedying noncompliance do not absolve parties of the initial underlying noncompliance.

To provide clarity for operators, there are additional reminders in certain sections of this permit about what constitutes a permit violation. The absence of such a reminder in a particular section does not mean that failure to meet that requirement is not a permit violation. Such reminders are included for purposes of emphasis and not for purposes of limitation.

Where requirements and schedules for taking corrective actions are included, the time intervals are not grace periods, but are time limits considered reasonable for making repairs and improvements. They are included in the permit to ensure that inadequacies are not allowed to persist indefinitely.

Federal Law

EPA retains the authority to enforce the Clean Water Act and compliance with this permit pursuant to Section 309 of the CWA, 33 U.S.C. § 1319. The CWA provides significant penalties for any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318 or 405 of the CWA or any permit condition or limitation implementing such sections in a permit issued under the CWA. Any person who violates any condition of this permit is subject to potential civil penalties of up to \$50,000 per day of violation, as well as any other appropriate sanctions provided by the CWA, including but not limited to imprisonment. In addition, Section 309(c)(4) of the CWA provides that any person who knowingly makes any false material statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment of not more than two (2) years, or by both.

State Law

Violations of the terms and conditions of this permit are subject to enforcement pursuant to 10 VSA Chapter 201. In addition and without limitation, the terms and conditions of this permit are enforceable as follows:

10 VSA §1275(a) provides that any person who violates any provision of Subchapter 1 of Vermont's Water Pollution Control Law, 10 VSA §§ 1250-1283, or who fails, neglects or refuses to obey or comply with any order or the terms of any permit issued in accordance with this subchapter, shall be fined not more than \$25,000 or be imprisoned not more than six months, or both. Each violation may be a separate offense and, in the case of a continuing violation, each day's continuance may be deemed a separate offense.

10 VSA §8010(c) provides that a penalty of not more than \$25,000 may be assessed for each determination of violation. In addition, if the Secretary determines that a violation is continuing the Secretary may assess a penalty of not more than \$10,000 for each day the violation continues, up to a total of \$100,000.

10 VSA §1275(b) provides that any person who knowingly makes any false statement, representation or certification in any application, record, report, plan, or other document filed or required to be maintained under this subchapter, or by any permit, rule, regulation or order issued under this subchapter, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this subchapter, shall upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment for not more than six months, or by both.

If the Secretary finds that any person's action, or an activity, results in the construction, installation, operation or maintenance of any facility or condition which reasonably can be expected to create or cause a discharge to waters in violation of Subchapter 1 (Water Pollution Control) of 10 VSA Chapter 47, or to violate the Vermont Wetlands Rules, the Secretary may issue an order pursuant to 10 VSA §1272. Likewise, the Secretary may issue an order pursuant to §1277 if the Secretary finds that conditions exist in a municipality or combination of municipalities that cause or threaten to cause a reduction in the quality of ground or surface waters.

1.4 Authorization under this Permit.

1.4.1 How to Obtain Authorization.

To obtain authorization under this permit, you must:

- Meet the Part 1.2 eligibility requirements;
- Select, design, install, and implement control measures in accordance with Part 2.1 to meet numeric and non-numeric effluent limits;
- Submit a complete and accurate Notice of Intent (NOI) on forms provided by the Secretary. All new and existing facilities must submit NOIs. You must also provide a copy of a complete NOI to the municipal clerk of the municipality in which the discharge is located at the time your NOI is submitted to the Secretary; and
- Develop a SWPPP according to the requirements in Part 5 of this permit. All new discharges and new owners/operators of existing discharges must submit a copy of the SWPPP with the NOI.
- Facilities in Sectors G, H, I and J (Metal Mining, Coal Mining, Oil and Gas Exploration, and Non-Metallic Mineral Mining and Dressing) seeking to cover construction-related discharges under this permit shall complete a "risk evaluation" per the requirements of Appendix A of the Department's NPDES Construction General Permit 3-9020, and develop and implement an Erosion Prevention and Sediment Control (EPSC) Plan or comply with the Low Risk Site Handbook for Erosion Prevention and Sediment Control. The "risk scoring" and EPSC plan must be explicitly approved by the Department prior to commencement of construction activities and shall be included in your SWPPP.

Table 1-2. NOI Submittal Deadlines	
Category	NOI Submission Deadline
<u>Existing Dischargers</u> – in operation as of August 18, 2011 and authorized for coverage under VT MSGP 2006.	No later than August 18, 2011.
<u>New Dischargers or New Sources</u> - commence discharging after August 18, 2011.	A minimum of 60 days prior to commencing discharge.
<u>New Owner/Operator of Existing Discharger</u> - transfer of ownership and/or operation of a facility whose discharge is authorized under this permit.	A minimum of 30 days prior to date that the transfer will take place to the new owner/operator.
<u>Other Eligible Dischargers</u> - in operation prior to August 18, 2011 but not covered under the VT MSGP 2006 or another NPDES permit.	Immediately, to minimize the time discharges from the facility will continue to be unauthorized.

Based on a review of your NOI or other information, the Secretary may notify you that additional effluent limitations are necessary or may deny coverage under this permit and require submission of an application for an individual NPDES permit (or alternative general permit), as detailed in Part 1.6. In these instances, the Secretary will notify you in writing of the need for additional effluent limits or of the request for submission of an individual NPDES permit application.

1.4.2 Effective Date of Permit Coverage

You are not authorized to discharge stormwater associated with industrial activity under the terms of this permit until you receive a written determination by the Secretary that your NOI filing is complete, and the discharge is eligible for coverage under the terms and conditions of this general permit. In the event that you have an existing discharge of stormwater associated with industrial activity and the Secretary denies authorization to continue your discharge under the terms of this general permit then you must within sixty (60) days either submit an application for an individual permit or cease the discharge.

Subsequent to the effective date of permit coverage, if the Secretary determines that incorrect or insufficient information has been provided in your NOI, or in the event that the Secretary determines that you do not qualify for coverage under this permit for other reasons, or the Secretary determines that your SWPPP fails to satisfy the terms and conditions of this permit, including, without limitation conditions with respect to federal or state Threatened or Endangered Species, your authorization to discharge under the terms of this permit will be deemed void retroactive to the date of initial coverage. The Secretary may make such a determination based on public comments received on your SWPPP pursuant to Part 5, or upon other information received from the public or other sources.

In the event that you have provided sufficient information in your NOI, the Secretary

may nonetheless notify you at any time that your SWPPP, your control measures or other components of your stormwater program do not meet one or more of the requirements of this permit pursuant to Part 5.5. This notification may be the result of comments on your SWPPP that the Secretary receives from the public. The Secretary may require modifications to your SWPPP, stipulated deadlines, additional monitoring requirements and special reporting requirements.

1.4.2.1 Initial Information. Pursuant to 10 VSA § 1263[b], the Secretary may refuse to grant permission to discharge under the terms of this general permit until the Secretary receives sufficient information to determine whether the application complies with the terms and conditions of this permit.

1.4.2.2 Public Comment. Pursuant to 10 VSA § 1263[b]. For a period of ten (10) days following receipt of an application for coverage under this permit, the Secretary shall provide an opportunity for written comments regarding whether the application and certification comply with the terms and conditions of this permit. The Secretary will post the NOI on the Department's website at <http://www.vtwaterquality.org/cfm/notices/notices.cfm>. The applicant must also provide a copy of a complete NOI to the municipal clerk of the municipality in which the discharge is located at the time the NOI is submitted to the Secretary. The Secretary may extend the comment period at his or her discretion or if additional information is requested pursuant to Part 1.4.2.3 below. Any interested person should either file comments or a letter of interest with the Agency during the 10-day notice period. Should the Secretary extend or reopen the comment period, the Secretary will so notify the applicant and those persons who file comments or a letter of interest. The comment period in such case shall be extended until 10 days after the application is deemed complete.

Permittees with prior authorizations under the MSGP are not required to resubmit their facility's SWPPP; however, if a member of the public requests a copy of a facility's updated SWPPP during the public comment period, the applicant must furnish the Secretary with a copy of the updated SWPPP within 10 days of the request. The Secretary will provide the SWPPP to the interested party and the comment period shall be extended for 10 days from that date.

1.4.2.3 Additional Information. The Secretary may require you to submit additional information that the Secretary considers necessary in order to make a decision on the eligibility for, or the issuance or denial of, an authorization to discharge pursuant to this general permit. The Secretary shall deny authorization to discharge pursuant to this general permit if the additional information requested is not provided to the Secretary within sixty (60) days of the Secretary's request.

1.4.2.4 Time Frame for Agency Actions. Following the close of the initial public comment period, the Secretary will authorize coverage under this general permit, deny eligibility, require an individual permit, or request additional information if the application is deemed incomplete. If the application is deemed incomplete, the public notice period shall extend until ten (10) days following receipt of a complete application.

1.4.3 Continuation of this Permit.

If this permit is not reissued or replaced prior to the expiration date, it will be administratively continued in accordance with 40 CFR 122.6 and remain in force and effect. If you were authorized to discharge under this permit prior to the expiration date, any discharges authorized under this permit will automatically remain covered by this permit until the earliest of:

- Your authorization for coverage under a reissuance or replacement of this permit following your timely and appropriate submittal of a complete NOI requesting authorization to discharge under the new permit and compliance with the requirements of the new permit; or
- Your submittal of a Notice of Termination; or
- Issuance or denial of an individual permit for the facility's discharges; or
- A formal permit decision by the Secretary not to reissue this general permit, at which time the permittee must seek coverage under an alternative general permit or an individual permit.

1.5 Terminating Coverage.

1.5.1 Submitting a Notice of Termination.

To terminate permit coverage, you must submit a complete and accurate Notice of Termination on forms provided by the Secretary. Your authorization to discharge under this permit terminates at midnight of the day that a complete Notice of Termination is processed. If you submit a Notice of Termination without meeting one or more of the conditions identified in Part 1.5.2, then your Notice of Termination is not valid. You are responsible for meeting the terms of this permit until your authorization is terminated.

1.5.2 When to Submit a Notice of Termination.

You must submit a Notice of Termination within 30 days after one or more of the following conditions have been met:

- A new owner or operator has taken over responsibility for the facility; or
- You have ceased operations at the facility, there are not or no longer will be discharges of stormwater associated with industrial activity from the facility, and you have already implemented necessary sediment and erosion controls as required by Part 2.1.2.5;
- You are a Sector G, H, or J facility and you have met the applicable termination requirements; or
- You have obtained coverage under an individual or alternative general permit for all discharges required to be covered by an NPDES permit.

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

finds that an individual permit is required pursuant to Section 13.12 D of the Agency's General Permit Rules or Part 1.7 of this permit.

Any interested person may petition the Secretary to take action under this paragraph. If the Secretary requires you to apply for an individual NPDES permit, the Secretary will notify you in writing that a permit application is required. This notification will include a brief statement of the reasons for this decision and will provide application information. In addition, if you are an existing discharger authorized to discharge under this permit, the notice will set a deadline to file the permit application, and will include a statement that on the effective date of the individual NPDES permit, or the alternative general permit as it applies to you, coverage under this general permit will terminate. The Secretary may grant additional time to submit the application if you request it. If you are covered under this permit and fail to submit an individual NPDES permit application as required by the Secretary, then the applicability of this permit to you is terminated at the end of the day specified by the Secretary as the deadline for application submittal. The Secretary may take appropriate enforcement action for any unpermitted discharge.

When an individual NPDES permit is issued to you, or you are authorized to discharge under an alternative NPDES general permit, your coverage under this permit is automatically terminated on the effective date of the individual permit or the date of authorization of coverage under the alternative general permit. Until such time as an alternative permit or individual permit is issued, the existing general permit remains fully in force.

1.7.2 Permittee Requesting Coverage under an Alternative Permit.

You may request to be excluded from coverage under this general permit by applying for an individual permit. In such a case, you must submit an individual permit application in accordance with the requirements of 40 CFR 122.26(c)(1)(ii), with reasons supporting the request, to the Secretary. The request may be granted by issuance of an individual permit or authorization of coverage under an alternative general permit if your reasons are adequate to support the request.

When an individual NPDES permit is issued to you or you are authorized to discharge under an alternative NPDES general permit, your authorization to discharge under this permit is terminated on the effective date of the individual permit or the date of authorization of coverage under the alternative general permit.

1.7.3 Termination of Coverage under the MSGP.

The Secretary may terminate permit coverage for any reason specified in 40 CFR § 122.64 or Section 13.12 of the Vermont Water Pollution Control Regulations. Terminating permit coverage shall not preclude any enforcement by the Agency.

1.7.4 Modification or Revocation and Reissuance.

This general permit may be modified or revoked for any reason stated in 40 CFR §§ 122.62 and 122.63 or Section 13.12 of the Vermont Water Pollution Control Regulations, or for

any of the reasons stated in Parts 1.2.4, 1.4, or 5.1.6. Coverage under this permit may be modified pursuant to Part 5.5. Permit modification or revocation will be in accordance with Section 13.12 of the Vermont Water Pollution Control Regulations.

2. Control Measures and Effluent Limits.

In the technology-based limits included in Part 2.1 and in Part 8, the term “minimize” means reduce and/or eliminate to the extent achievable using control measures (including best management practices) that are technologically available and economically practicable and achievable in light of best industry practice.

2.1 Control Measures.

You must select, design, install, and implement control measures (including best management practices) to address the selection and design considerations in Part 2.1.1, meet the non-numeric effluent limits in Part 2.1.2, and meet limits contained in applicable effluent limitations guidelines in Part 2.1.3. The selection, design, installation, and implementation of these control measures must be in accordance with good engineering practices and manufacturer’s specifications. Note that you may deviate from such manufacturer’s specifications where you provide justification for such deviation and include documentation of your rationale in the part of your SWPPP that describes your control measures, consistent with Part 5.1.4. If you find that your control measures are not achieving their intended effect in minimizing pollutant discharges, you must modify these control measures as expeditiously as practicable. Regulated stormwater discharges from your facility include stormwater run-on that commingles with stormwater discharges associated with industrial activity at your facility.

2.1.1 Control Measure Selection and Design Considerations

You must consider the following when selecting and designing control measures:

- preventing stormwater from coming into contact with polluting materials is generally more effective, and less costly, than trying to remove pollutants from stormwater;
- using control measures in combination is more effective than using control measures in isolation for minimizing pollutants in your stormwater discharge;
- assessing the type and quantity of pollutants, including their potential to impact receiving water quality, is critical to designing effective control measures that will achieve the limits in this permit;
- minimizing impervious areas at your facility and infiltrating runoff onsite (including bioretention cells, green roofs, and pervious pavement, among other approaches) can reduce runoff and improve groundwater recharge and stream base flows in local streams, although care must be taken to avoid ground water contamination;
- attenuating flow using open vegetated swales and natural depressions can reduce in-stream impacts of erosive flows;

- conserving and/or restoring of riparian buffers will help protect streams from stormwater runoff and improve water quality; and
- using treatment interceptors (e.g., swirl separators and sand filters) may be appropriate in some instances to minimize the discharge of pollutants.

NOTE: If you have an operational state stormwater permit for post-construction management of stormwater runoff (i.e. Department General Permit 3-9010 or 3-9015), then the control measures required under this permit are in addition to any STPs required by those permits. However stormwater treatment facilities required by those permits may be utilized as part of the control measures required pursuant to this permit provided that doing so will not compromise compliance with the operational state stormwater permit. An amendment to your operational state stormwater permit will be required if you need to alter an STP included in one of those permits to accommodate its use as a control measure under this permit.

2.1.2 Non-Numeric Technology-Based Effluent Limits (BPT/BAT/BCT).

2.1.2.1 Minimize Exposure. You must minimize the exposure of manufacturing, processing, and material storage areas (including loading and unloading, storage, disposal, cleaning, maintenance, and fueling operations) to rain, snow, snowmelt, and runoff by either locating these industrial materials and activities inside or protecting them with storm resistant coverings (although significant enlargement of impervious surface area is not recommended). In minimizing exposure, you should pay particular attention to the following areas:

- use grading, berming, or curbing to prevent runoff of contaminated flows and divert run-on away from these areas;
- locate materials, equipment, and activities so that leaks are contained in existing containment and diversion systems (confine the storage of leaky or leak-prone vehicles and equipment awaiting maintenance to protected areas);
- clean up spills and leaks promptly using dry methods (e.g., absorbents) to prevent the discharge of pollutants;
- use drip pans and absorbents under or around leaky vehicles and equipment or store indoors where feasible;
- use spill/overflow protection equipment;
- drain fluids from equipment and vehicles prior to on-site storage or disposal;
- perform all cleaning operations indoors, under cover, or in bermed areas that prevent runoff and run-on and also that capture any overspray; and
- ensure that all washwater drains to a proper collection system (i.e., not the stormwater drainage system).

2.1.2.2 Good Housekeeping. You must keep clean all exposed areas that are potential sources of pollutants, using such measures as sweeping at regular intervals, keeping materials orderly and labeled, and storing materials in appropriate containers.

2.1.2.3 Maintenance. You must regularly inspect, test, maintain, and repair all industrial equipment and systems to avoid situations that may result in leaks, spills, and other releases of pollutants in stormwater discharged to receiving waters. You must maintain

all control measures that are used to achieve the effluent limits required by this permit in effective operating condition. Nonstructural control measures must also be diligently maintained (e.g., spill response supplies available, personnel appropriately trained). If you find that your control measures need to be replaced or repaired, you must make the necessary repairs or modifications as expeditiously as practicable.

2.1.2.4 Spill Prevention and Response Procedures. You must minimize the potential for leaks, spills and other releases that may be exposed to stormwater and develop plans for effective response to such spills if or when they occur. At a minimum, you must implement:

- Procedures for plainly labeling containers (e.g., “Used Oil,” “Spent Solvents,” “Fertilizers and Pesticides,” etc.) that could be susceptible to spillage or leakage to encourage proper handling and facilitate rapid response if spills or leaks occur;
- Preventative measures such as barriers between material storage and traffic areas, secondary containment provisions, and procedures for material storage and handling.
- Procedures for expeditiously stopping, containing, and cleaning up leaks, spills and other releases. Employees who may cause, detect, or respond to a spill or leak must be trained in these procedures and have necessary spill response equipment available. If possible, one of these individuals should be a member of your stormwater pollution prevention team (see Part 5.1.1); and
- Procedures for notification of appropriate facility personnel, emergency agencies, and regulatory agencies. Where a leak, spill, or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR Part 110, 40 CFR Part 117, or 40 CFR Part 302, occurs during a 24-hour period, you must notify the Secretary in accordance with the requirements of 40 CFR Part 110, 40 CFR Part 117, and 40 CFR Part 302 as soon as you have knowledge of the discharge. Call the Waste Management Division at (802) 241-3888, Monday through Friday, 7:45 a.m. to 4:30 p.m. or the Department of Public Safety, Emergency Management Division at (800) 641-5005, 24 hours/day. Contact information must be in locations that are readily accessible and available.

2.1.2.5 Erosion and Sediment Controls. You must stabilize exposed areas and contain runoff using structural and/or non-structural control measures to minimize onsite erosion and sedimentation, and the resulting discharge of pollutants. Among other actions you must take to meet this limit, you must place flow velocity dissipation devices at discharge locations and within outfall channels where necessary to reduce erosion and/or settle out pollutants. Examples of BMPs that limit and control sediment and erosion include: leaving as much vegetation onsite as possible, minimizing the time that soil is exposed, preventing runoff from flowing across disturbed areas and diverting the flow to vegetated areas, stabilizing the disturbed soils as soon as possible, slowing down the runoff flowing across the site, providing drainage ways for the increased runoff, and removing sediment from stormwater runoff before it leaves the site. In selecting, designing, installing, and implementing appropriate control measures, you are encouraged to consult with

Vermont's Erosion Prevention and Sediment Control manuals: *The Low Risk Site Handbook* and the *Vermont Erosion Prevention and Sediment Control Field Guide* (both found at http://www.vtwaterquality.org/stormwater/hm/sw_cgp.htm)

Construction activities that disturb greater than one acre of land may be required to obtain coverage under a General Permit for Stormwater Runoff from Construction Sites (General Permits 3-9020 or its replacement) or obtain an individual construction stormwater permit.

2.1.2.6 Management of Runoff. You must divert, infiltrate, reuse, contain or otherwise reduce stormwater runoff, to minimize pollutants in your discharges. In selecting, designing, installing, and implementing appropriate control measures, you are encouraged to consult with EPA's internet-based resources relating to runoff management, including: the sector-specific *Industrial Stormwater Fact Sheet Series*, (www.epa.gov/npdes/stormwater/msgp), and *National Management Measures to Control Nonpoint Source Pollution from Urban Areas* (www.epa.gov/owow/nps/urbanmm/index.html). Also review The Vermont Stormwater Management Manual at http://www.anr.state.vt.us/dec/waterq/stormwater/docs/sw_manual-vol1.pdf; Vermont's Low Impact Development website (http://www.vtwaterquality.org/stormwater/hm/sw_green_infrastructure.htm); and the *Small Sites Guide to Stormwater Management* found at that site.

2.1.2.7 Salt Storage Piles or Piles Containing Salt. You must enclose or cover storage piles of salt, or piles containing salt, used for deicing or other commercial or industrial purposes, including maintenance of paved surfaces. You must implement appropriate measures (e.g., good housekeeping, diversions, containment) to minimize exposure resulting from adding to or removing materials from the pile. Piles do not need to be enclosed or covered if stormwater runoff from the piles is not discharged or if discharges from the piles are authorized under another NPDES permit.

2.1.2.8 Sector Specific Non-Numeric Effluent Limits. You must achieve any additional non-numeric limits stipulated in the relevant sector-specific section(s) of Part 8.

2.1.2.9 Employee Training. You must train all employees who work in areas where industrial materials or activities are exposed to stormwater, or who are responsible for implementing activities necessary to meet the conditions of this permit (e.g., inspectors, maintenance personnel), including all members of your Pollution Prevention Team. Training must cover both the specific control measures used to achieve the effluent limits in this Part, and monitoring, inspection, planning, reporting, and documentation requirements in other parts of this permit. The Secretary recommends training be conducted at least annually (or more often if employee turnover is high).

2.1.2.10 Non-Stormwater Discharges. You must eliminate non-stormwater discharges not authorized by an NPDES permit. See Part 1.2.3 for a list of non-stormwater discharges authorized by this permit.

2.1.2.11 Waste, Garbage and Floatable Debris. You must ensure that waste, garbage, and floatable debris are not discharged to receiving waters by keeping exposed areas free of such materials or by intercepting them before they are discharged.

2.1.2.12 Dust Generation and Vehicle Tracking of Industrial Materials. You must minimize generation of dust and off-site tracking of raw, final, or waste materials.

2.1.2.13 Vehicle or Equipment Washing. You must ensure that no washing of equipment or vehicles shall be allowed at the site that would allow wash waters to enter any storm drainage system or Waters of the State. The washing of vehicles and equipment must be consistent with the Agency's Department of Wastewater Management's Underground Injection Control Practice Regarding Wastewater Discharges from Vehicle Washing found at:
<http://www.anr.state.vt.us/dec/ww/uic/WashwaterDischargesFromVehicleWashing.pdf>.

2.1.3 Numeric Effluent Limitations Based on Effluent Limitations Guidelines

If you are in an industrial category subject to one of the effluent limitations guidelines identified in Table 6-1 (see Part 6.2.2.1), you must meet the effluent limits referenced in Table 2-1 below:

Table 2-1. Applicable Effluent Limitations Guidelines		
Regulated Activity	40 CFR Part/Subpart	Effluent Limit
Discharges resulting from spray down or intentional wetting of logs at wet deck storage areas	Part 429, Subpart I	See Part 8.A.7
Runoff from phosphate fertilizer manufacturing facilities that comes into contact with any raw materials, finished product, by-products or waste products (SIC 2874)	Part 418, Subpart A	See Part 8.C.4
Runoff from asphalt emulsion facilities	Part 443, Subpart A	See Part 8.D.4
Runoff from material storage piles at cement manufacturing facilities	Part 411, Subpart C	See Part 8.E.5
Mine dewatering discharges at crushed stone, construction sand and gravel, or industrial sand mining facilities	Part 436, Subparts B, C, or D	See Part 8.J.9
Runoff from hazardous waste landfills	Part 445, Subpart A	See Part 8.K.6
Runoff from non-hazardous waste landfills	Part 445, Subpart B	See Part 8.L.10
Runoff from coal storage piles at steam electric generating facilities	Part 423	See Part 8.O.8

2.2 Water Quality-Based Effluent Limitations.

2.2.1 Water Quality Standards

Your discharge must be controlled as necessary to meet applicable water quality standards.

The Secretary expects that compliance with the other conditions in this permit will control discharges as necessary to meet applicable water quality standards. If at any time you become aware, or the Secretary determines, that your discharge causes or contributes to an exceedance of applicable water quality standards, you must take corrective actions as required in Part 3.1, document corrective actions as required in Part 3.4, and report the corrective actions to the Secretary as required in Part 7.4.

Additionally, the Secretary may impose additional water quality-based limitations on a site-specific basis, or require you to obtain coverage under an individual permit, if information in your NOI, required reports, or from other sources indicates that your discharges are not controlled as necessary to meet applicable water quality standards.

2.2.2 Discharges to Water Quality Impaired Waters.

2.2.2.1 Existing Discharge to an Impaired Water with an EPA Approved or Established TMDL. If you discharge to an impaired water with an EPA approved or established TMDL, the Secretary will inform you if any additional limits or controls are necessary for your discharge to be consistent with the assumptions of any available wasteload allocation in the TMDL, or if coverage under an individual permit is necessary in accordance with Part 1.7.1.

2.2.2.2 Existing Discharge to an Impaired Water without an EPA Approved or Established TMDL. If you discharge to an impaired water without an EPA approved or established TMDL, you are required to comply with Part 2.2.1 and the monitoring requirement of Part 6.2.3. Note that this provision also applies to situations where the Secretary determines that your discharge is not controlled as necessary to meet water quality standards in a downstream water segment, even if your discharge is to a receiving water that is not specifically identified on a Section 303(d) list.

2.2.2.3 New Discharge to an Impaired Water. If your authorization to discharge under this permit relied on Part 1.2.4.7 for a new discharge to an impaired water, you must implement and maintain any control measures or conditions on your site that enabled you to become eligible under Part 1.2.4.7, and modify such measures or conditions as necessary pursuant to Part 3 corrective actions. You are also required to comply with Part 2.2.1 and the monitoring requirements of Parts 6.2.3.

2.2.3 Tier 2 Antidegradation Requirements for New or Increased Dischargers

For a new discharge or existing unpermitted discharge seeking coverage under this permit, the Secretary expects, in the absence of information demonstrating otherwise, that if a discharge complies with the stormwater control requirements of this permit it will not lower the water quality of the receiving water and will meet the requirements of Vermont's Anti-Degradation Policy (Vermont Water Quality Standards Section 1-03). The Secretary may require that an applicant submit additional information regarding the potential impact of a proposed discharge to a receiving water prior to granting coverage under this permit.

2.3 Requirements Relating to Endangered Species

If your eligibility under Part 1.2.4.5 was made possible through your, or another operator's, agreement to include certain measures or prerequisite actions, or implement certain terms and conditions, you must comply with all such agreed-upon requirements to maintain eligibility under the MSGP.

3. Corrective Actions

3.1 Conditions Requiring Review and Revision to Eliminate Problem

If any of the following conditions occur, you must review and revise the selection, design, installation and implementation of your control measures to ensure that the condition is eliminated and will not be repeated in the future:

- an unauthorized release or discharge (e.g., spill, leak, or discharge of non-stormwater not authorized by this or another NPDES permit) occurs at your facility;
- a discharge violates a numeric effluent limit;
- you become aware, or the Secretary determines, that your control measures are not stringent enough for the discharge to meet applicable water quality standards;
- an inspection or evaluation of your facility by an Agency or EPA official, or local or Tribal entity, determines that modifications to the control measures are necessary to meet the non-numeric effluent limits in this permit; or
- you find in your routine facility inspection, quarterly visual assessment, or comprehensive site inspection that your control measures are not being properly operated and maintained.

3.2 Conditions Requiring Review to Determine if Modifications Are Necessary

If any of the following conditions occur, you must review the selection, design, installation, and implementation of your control measures to determine if modifications are necessary to meet the effluent limits in this permit:

- construction or a change in design, operation, or maintenance at your facility significantly changes the nature of pollutants discharged in stormwater from your

- facility, or significantly increases the quantity of pollutants discharged; or
- the average of 4 quarterly sampling results exceeds an applicable benchmark. If less than 4 benchmark samples have been taken, but the results are such that an exceedence of the 4 quarter average is mathematically certain (i.e., if the sum of quarterly sample results to date is more than 4 times the benchmark level) this is considered a benchmark exceedence, triggering this review.

3.3 Corrective Action Deadlines

You must document your discovery of any of the conditions listed in Parts 3.1 and 3.2 within 24 hours of making such discovery. Subsequently, within 14 days of such discovery, you must document any corrective action(s) to be taken to eliminate or further investigate the deficiency or if no corrective action is needed, the basis for that determination. Specific documentation required within 24 hours and 14 days is detailed in Part 3.4. If you determine that changes are necessary following your review, any modifications to your control measures must be made before the next storm event if possible, or as soon as practicable following that storm event. These time intervals are not grace periods, but are schedules considered reasonable for documenting your findings and for making repairs and improvements. They are included in this permit to ensure that the conditions prompting the need for these repairs and improvements are not allowed to persist indefinitely.

3.4 Corrective Action Report

Within 24 hours of discovery of any condition listed in Parts 3.1 and 3.2, you must document the following information on your Annual Report form (The form can be found at http://www.vtwaterquality.org/stormwater/htm/sw_msgp.htm):

- Identification of the condition triggering the need for corrective action review;
- Description of the problem identified; and
- Date the problem was identified.

Within 14 days of discovery of any condition listed in Parts 3.1 and 3.2, you must document the following information on your Annual Report form:

- Summary of corrective action taken or to be taken (or, for triggering events identified in Part 3.2 where you determine that corrective action is not necessary, the basis for this determination);
- Notice of whether SWPPP modifications are required as a result of this discovery or corrective action;
- Date corrective action initiated; and
- Date corrective action completed or expected to be completed.

You must submit this documentation in an annual report as required in Part 7.2 and retain a copy onsite with your SWPPP as required in Part 5.2.

3.5 Effect of Corrective Action

If the event triggering the review is a permit violation (e.g., non-compliance with an effluent limit), correcting it does not remove the original violation. Additionally, failing to take corrective action in accordance with this section is an additional permit violation. The Secretary will consider the appropriateness and promptness of corrective action in determining enforcement responses to permit violations.

3.6 Substantially Identical Outfalls

If the event triggering corrective action is linked to an outfall that represents other substantially identical outfalls, your review must assess the need for corrective action for each outfall represented by the outfall that triggered the review. Any necessary changes to control measures that affect these other outfalls must also be made before the next storm event if possible, or as soon as practicable following that storm event.

4. Inspections

You must conduct the inspections in Parts 4.1, 4.2, and 4.3 at your facility.

4.1 Routine Facility Inspections.

4.1.1 Routine Facility Inspection Procedures.

Conduct routine facility inspections of all areas of the facility where industrial materials or activities are exposed to stormwater, and of all stormwater control measures used to comply with the effluent limits contained in this permit. Routine facility inspections must be conducted monthly. Perform these inspections during periods when the facility is in operation. You must specify the relevant inspection schedules in your SWPPP document as required in Part 5.1.5. These routine inspections must be performed by qualified personnel (for definition see Appendix A) with at least one member of your stormwater pollution prevention team participating. At least once each calendar year, the routine facility inspection must be conducted during a period when a stormwater discharge is occurring.

4.1.2 Routine Facility Inspection Documentation.

You must document the findings of each routine facility inspection performed and maintain this documentation onsite with your SWPPP as required in Part 5.2. You are not required to submit your routine facility inspection findings to the Secretary, unless specifically requested to do so. At a minimum, your documentation of the routine facility inspection must include:

- The inspection date and time;
- The name(s) and signature(s) of the inspector(s);
- Weather information and a description of any discharges occurring at the time of the inspection;

- Any previously unidentified discharges of pollutants from the site;
- Any control measures needing maintenance or repairs;
- Any failed control measures that need replacement;
- Any incidents of noncompliance observed; and
- Any additional control measures needed to comply with the permit requirements.

Any corrective action required as a result of a routine facility inspection must be performed consistent with Part 3 of this permit.

4.1.3 Exceptions to Routine Facility Inspections.

Inactive and Unstaffed Sites: The requirement to conduct routine facility inspections on a monthly basis does not apply at a facility that is inactive and unstaffed, as long as there are no industrial materials or activities exposed to stormwater. Such a facility is only required to conduct an annual comprehensive site inspection in accordance with the requirements of Part 4.3. To invoke this exception, you must maintain a statement onsite with your SWPPP documentation indicating that the site is inactive and unstaffed, and that there are no industrial materials or activities exposed to precipitation, in accordance with the substantive requirements in 40 CFR 122.26(g)(4)(iii). The statement must be signed and certified in accordance with Appendix B, Subsection 11. If circumstances change and industrial materials or activities become exposed to stormwater or your facility becomes active and/or staffed, this exception no longer applies and you must immediately resume monthly facility inspections.

Inactive and unstaffed facilities covered under Sectors G (Metal Mining), H (Coal Mines and Coal Mining-Related Facilities), and J (Non-Metallic Mineral Mining and Dressing), are not required to meet the “no industrial materials or activities exposed to stormwater” standard to be eligible for this exception from routine inspections, consistent with the requirements established in Parts 8.G.8.4, 8.H.8.1, and 8.J.8.1.

4.2 Quarterly Visual Assessment of Stormwater Discharges.

4.2.1 Quarterly Visual Assessment Procedures.

Once each quarter for the entire permit term, you must collect a stormwater sample from each outfall (except as noted in Part 4.2.3) and conduct a visual assessment of each of these samples. These samples are not required to be collected consistent with 40 CFR Part 136 procedures but should be collected in such a manner that the samples are representative of the stormwater discharge.

The visual assessment must be made:

- Of a sample in a clean, clear glass, or plastic container, and examined in a well-lit area;
- On samples collected within the first 30 minutes of an actual discharge from a storm event. If it is not possible to collect the sample within the first 30 minutes

of discharge, the sample must be collected as soon as practicable after the first 30 minutes and you must document why it was not possible to take samples within the first 30 minutes. In the case of snowmelt, samples must be taken during a period with a measurable discharge from your site; and

- For storm events, on discharges that occur at least 72 hours (3 days) from the previous discharge. The 72-hour (3-day) storm interval does not apply if you document that less than a 72-hour (3-day) interval is representative for local storm events during the sampling period.
- You must visually inspect the sample for the following water quality characteristics:
 - Color;
 - Odor;
 - Clarity;
 - Floating solids;
 - Settled solids;
 - Suspended solids;
 - Foam;
 - Oil sheen; and
 - Other obvious indicators of stormwater pollution.

4.2.2 Quarterly Visual Assessment Documentation.

You must document the results of your visual assessments and maintain this documentation onsite with your SWPPP as required in Part 5.2. You are not required to submit your visual assessment findings to the Secretary, unless specifically requested to do so. At a minimum, your documentation of the visual assessment must include:

- Sample location(s)
- Sample collection date and time and visual assessment date and time for each sample;
- Personnel collecting the sample and performing visual assessment, and their signatures;
- Nature of the discharge (i.e., runoff or snowmelt);
- Results of observations of the stormwater discharge;
- Probable sources of any observed stormwater contamination,
- If applicable, why it was not possible to take samples within the first 30 minutes.

Any corrective action required as a result of a quarterly visual assessment must be performed consistent with Part 3 of this permit.

4.2.3 Exceptions to Quarterly Visual Assessments.

Adverse Weather Conditions: When adverse weather conditions prevent the collection of samples during the quarter, you must take a substitute sample during the next qualifying storm event. Documentation of the rationale for no visual assessment for the quarter must

be included with your SWPPP records as described in Part 5.2. Adverse conditions are those that are dangerous or create inaccessibility for personnel, such as local flooding, high winds, or electrical storms, or situations that otherwise make sampling impractical, such as drought or extended frozen conditions.

Climates with Irregular Stormwater Runoff: If your facility is located in an area where limited rainfall occurs during many parts of the year (e.g., arid or semi-arid climate) or in an area where freezing conditions exist that prevent runoff from occurring for extended periods, then your samples for the quarterly visual assessments may be distributed during seasons when precipitation runoff occurs.

Areas Subject to Snow: In areas subject to snow, at least one quarterly visual assessment must capture snowmelt discharge, as described in Part 6.1.3, taking into account the exception described above for climates with irregular stormwater runoff.

Inactive and unstaffed sites: The requirement for a quarterly visual assessment does not apply at a facility that is inactive and unstaffed, as long as there are no industrial materials or activities exposed to stormwater. To invoke this exception, you must maintain a statement onsite with your SWPPP documentation as required in Part 5.2 indicating that the site is inactive and unstaffed, and that there are no industrial materials or activities exposed to precipitation, in accordance with the substantive requirements in 40 CFR 122.26(g)(4)(iii). The statement must be signed and certified in accordance with Appendix B, Subsection 11. If circumstances change and industrial materials or activities become exposed to stormwater or your facility becomes active and/or staffed, this exception no longer applies and you must immediately resume quarterly visual assessments.

Inactive and unstaffed facilities covered under Sectors G (Metal Mining), H (Coal Mines and Coal Mining-Related Facilities), and J (Non-Metallic Mineral Mining and Dressing), are not required to meet the “no industrial materials or activities exposed to stormwater” standard to be eligible for this exception from quarterly visual assessment, consistent with the requirements established in Parts 8.G.8.4, 8.H.8.1, and 8.J.8.1.

Substantially identical outfalls: If your facility has two or more outfalls that you believe discharge substantially identical effluents, as documented in Part 5.1.5.2, you may conduct quarterly visual assessments of the discharge at just one of the outfalls and report that the results also apply to the substantially identical outfall(s) provided that you perform visual assessments on a rotating basis of each substantially identical outfall throughout the period of your coverage under this permit.

If stormwater contamination is identified through visual assessment performed at a substantially identical outfall, you must assess and modify your control measures as appropriate for each outfall represented by the monitored outfall.

4.3 Comprehensive Site Inspections.

4.3.1 Comprehensive Site Inspection Procedures.

You must conduct annual comprehensive site inspections while you are covered under this permit. Annual, as defined in this Part, means once during each of the following inspection periods beginning with the period you are authorized to discharge under this permit:

Year 1:	September 1, 2011 – September 1, 2012
Year 2:	September 1, 2012 – September 1, 2013
Year 3:	September 1, 2013 – September 1, 2014
Year 4:	September 1, 2014 – September 1, 2015
Year 5:	September 1, 2015 – September 1, 2016

You are waived from having to perform a comprehensive site inspection for an inspection period, as defined above, if you obtain authorization to discharge less than three months before the end of that inspection period.

Should your coverage be administratively continued after the expiration date of this permit, you must continue to perform these inspections annually until you are no longer covered.

Comprehensive site inspections must be conducted by qualified personnel with at least one member of your stormwater pollution prevention team participating in the comprehensive site inspections.

Your comprehensive site inspections must cover all areas of the facility affected by the requirements in this permit, including the areas identified in the SWPPP as potential pollutant sources (see Part 5.1.3) where industrial materials or activities are exposed to stormwater, any control measures used to comply with the effluent limits in Part 2, and areas where spills and leaks have occurred in the past 3 years. The inspections must also include a review of monitoring data collected in accordance with Part 6.2. Inspectors must consider the results of the past year's visual and analytical monitoring when planning and conducting inspections. Inspectors must examine the following:

- Industrial materials, residue, or trash that may have or could come into contact with stormwater;
- Leaks or spills from industrial equipment, drums, tanks, and other containers;
- Offsite tracking of industrial or waste materials, or sediment where vehicles enter or exit the site;
- Tracking or blowing of raw, final, or waste materials from areas of no exposure to exposed areas; and
- Control measures needing replacement, maintenance or repair.

Stormwater control measures required by this permit must be observed to ensure that they are functioning correctly. If discharge locations are inaccessible, nearby downstream locations must be inspected.

Your annual comprehensive site inspection may also be used as one of the routine inspections, as long as all components of both types of inspections are included.

4.3.2 Comprehensive Site Inspection Documentation.

You must document the findings of each comprehensive site inspection and maintain this documentation onsite with your SWPPP as required in Part 5.2. In addition, you must submit this documentation in an annual report as required in Part 7.2. At a minimum, your documentation of the comprehensive site inspection must include:

- The date of the inspection;
- The name(s) and title(s) of the personnel making the inspection;
- Findings from the examination of areas of your facility identified in Part 4.3.1;
- All observations relating to the implementation of your control measures including:
 - previously unidentified discharges from the site,
 - previously unidentified pollutants in existing discharges,
 - evidence of, or the potential for, pollutants entering the drainage system;
 - evidence of pollutants discharging to receiving waters at all facility outfall(s), and the condition of and around the outfall, including flow dissipation measures to prevent scouring, and
 - additional control measures needed to address any conditions requiring corrective action identified during the inspection.
- Any required revisions to the SWPPP resulting from the inspection;
- Any incidents of noncompliance observed or a certification stating the facility is in compliance with this permit (if there is no noncompliance); and
- A statement, signed and certified in accordance with Appendix B, Subsection 11 of the permit.

Any corrective action required as a result of the comprehensive site inspection must be performed consistent with Part 3 of this permit.

5. Stormwater Pollution Prevention Plan (SWPPP).

You must prepare a SWPPP for your facility before submitting your Notice of Intent (NOI) for permit coverage. If you prepared a SWPPP for coverage under a previous MSGP, you must review and update the SWPPP to implement all provisions of this permit prior to submitting your NOI. All new dischargers and new owner/operators of existing discharges must submit a copy of the SWPPP with the NOI. The SWPPP does not contain effluent limitations; the limitations are contained in Part 2 of the permit, and for some sectors, Part 8 of the permit. The SWPPP is intended to document the selection, design, and installation of control measures. As distinct from the SWPPP, the additional documentation requirements (see Part 5.4) are intended to document the implementation (including inspection, maintenance, monitoring, and corrective action) of the permit requirements.

5.1 Contents of Your SWPPP.

For coverage under this permit, your SWPPP must contain all of the following elements:

- Stormwater pollution prevention team (see Part 5.1.1);
- Site description (see Part 5.1.2);
- Summary of potential pollutant sources (see Part 5.1.3);
- Description of control measures (see Part 5.1.4);
- Schedules and procedures (see Part 5.1.5);
- Documentation to support eligibility considerations under other federal laws (see Part 5.1.6); and
- Signature requirements (see Part 5.1.7).

Where your SWPPP refers to procedures in other facility documents, such as a Spill Prevention, Control and Countermeasure (SPCC) Plan, copies of the relevant portions of those documents must be kept with your SWPPP.

5.1.1 Stormwater Pollution Prevention Team.

You must identify the staff members (by name or title) that comprise the facility's stormwater pollution prevention team as well as their individual responsibilities. Your stormwater pollution prevention team is responsible for assisting the facility manager in developing and revising the facility's SWPPP as well as maintaining control measures and taking corrective actions where required. Each member of the stormwater pollution prevention team must have ready access to either an electronic or paper copy of applicable portions of this permit and your SWPPP.

5.1.2 Site Description.

Your SWPPP must include the following:

- *Activities at the Facility.* Provide a description of the nature of the industrial activities at your facility.
- *General location map.* Provide a general location map (e.g., U.S. Geological Survey (USGS) quadrangle map) with enough detail to identify the location of your facility and all receiving waters for your stormwater discharges.
- *Site map.* Provide a map showing:
 - the size of the property in acres;
 - the location and extent of significant structures and impervious surfaces;
 - directions of stormwater flow (use arrows);
 - locations of all existing structural control measures;
 - locations of all receiving waters in the immediate vicinity of your facility,
 - locations of all stormwater conveyances including ditches, pipes, and swales;

- locations of potential pollutant sources identified under Part 5.1.3.2;
- locations where significant spills or leaks identified under Part 5.1.3.3 have occurred;
- locations of all stormwater monitoring points;
- locations of stormwater inlets and outfalls, with a unique identification code for each outfall (e.g., Outfall No. 1, No. 2, etc), indicating if you are treating one or more outfalls as “substantially identical” under Parts 4.2.3, 5.1.5.2, and 6.1.1, and an approximate outline of the areas draining to each outfall;
- municipal separate storm sewer systems, where your stormwater discharges to them;
- locations and descriptions of all non-stormwater discharges identified under Part 2.1.2.10;
- locations of the following activities where such activities are exposed to precipitation:
 - fueling stations;
 - vehicle and equipment maintenance and/or cleaning areas;
 - loading/unloading areas;
 - locations used for the treatment, storage, or disposal of wastes;
 - liquid storage tanks;
 - processing and storage areas;
 - outside raw materials, by-products, and/or finished products;
 - immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility;
 - transfer areas for substances in bulk; and
 - machinery; and
 - locations and sources of run-on to your site from adjacent property that contains significant quantities of pollutants.

5.1.3 Summary of Potential Pollutant Sources.

You must document areas at your facility where industrial materials or activities are exposed to stormwater and from which allowable non-stormwater discharges are released. *Industrial materials or activities* include, but are not limited to: material handling equipment or activities; industrial machinery; raw materials; industrial production and processes; and intermediate products, by-products, final products, and waste products. *Material handling activities* include, but are not limited to: the storage, loading and unloading, transportation, disposal, or conveyance of any raw material, intermediate product, final product or waste product. For each area identified, the description must include:

5.1.3.1 Activities in the area. A list of the industrial activities exposed to stormwater (e.g., material storage; equipment fueling, maintenance, and cleaning; cutting steel beams).

5.1.3.2 Pollutants. A list of the associated pollutant(s) or pollutant constituents (e.g., crankcase oil, zinc, sulfuric acid, and cleaning solvents) for each identified activity. The pollutant

list must include all significant materials that have been handled, treated, stored, or disposed, and that have been exposed to stormwater in the 3 years prior to the date you prepare or amend your SWPPP.

5.1.3.3 Spills and Leaks. You must document where potential spills and leaks could occur that could contribute pollutants to stormwater discharges, and the corresponding outfall(s). You must document all significant spills and leaks of oil or toxic or hazardous pollutants that actually occurred at exposed areas, or that drained to a stormwater conveyance, in the 3 years prior to the date you prepare or amend your SWPPP.

Note: Significant spills and leaks include, but are not limited to, releases of oil or hazardous substances in excess of quantities that are reportable under CWA Section 311 (see 40 CFR 110.6 and 40 CFR 117.21) or Section 102 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 USC §9602. This permit does not relieve you of the reporting requirements of 40 CFR 110, 40 CFR 117, and 40 CFR 302 relating to spills or other releases of oils or hazardous substances.

5.1.3.4 Non-Stormwater Discharges. You must document that you have evaluated for the presence of non-stormwater discharges and that all unauthorized discharges have been eliminated. Documentation of your evaluation must include:

- The date of any evaluation;
- A description of the evaluation criteria used;
- A list of the outfalls or onsite drainage points that were directly observed during the evaluation;
- The different types of non-stormwater discharge(s) and source locations; and
- The action(s) taken (e.g., appropriate control measures being used) to eliminate unauthorized discharge(s), if any were identified. For example, a floor drain was sealed, a sink drain was re-routed to sanitary, or an NPDES permit application was submitted for an unauthorized cooling water discharge.
- You must also certify that no interior building floor drains exist which are connected to any storm drainage system or which may otherwise direct interior floor drainage to exterior surfaces, unless such floor drain connection has been approved or permitted by the Agency.
- *Notification of Agency.* If you are unable to provide the certification required for the non-stormwater discharge test and elimination in your SWPPP this will not be deemed a violation of this permit provided that you notify the Agency (Section 3.7) no more than 14 days after you submit your NOI:
 - why certification was not possible,
 - the procedure that you followed in any test attempted,
 - the results of such test or other relevant observations, and
 - any potential sources of non-stormwater discharges that have not been eliminated.

Failure to provide this notification to the Agency is a violation of this permit.

5.1.3.5 Salt Storage. You must document the location of any storage piles containing salt used for deicing or other commercial or industrial purposes.

5.1.3.6 Sampling Data. You must provide a summary of existing stormwater discharge sampling data previously taken at your facility. All stormwater sampling data collected during the term of this permit, as required by Part 6, must also be summarized and included in this part of the SWPPP.

5.1.4 Description of Control Measures.

5.1.4.1 Control Measures to Meet Technology-Based and Water Quality-Based Effluent Limits. You must document the location and type of control measures you have installed and implemented at your site to achieve the non-numeric effluent limits in Part 2.1.2, and where applicable in Part 8, the effluent limitations guidelines-based limits in Part 2.1.3, the water quality-based effluent limits in Part 2.2, and any agreed-upon endangered species in Part 2.3, and describe how you addressed the control measure selection and design considerations in Part 2.1.1. This documentation must describe how the control measures at your site address both the pollutant sources identified in Part 5.1.3, and any stormwater run-on that commingles with any discharges covered under this permit.

5.1.5 Schedules and Procedures

5.1.5.1 Pertaining to Control Measures Used to Comply with the Effluent Limits in Part 2.

The following must be documented in your SWPPP:

- Good Housekeeping (See Part 2.1.2.2) – A schedule for regular pickup and disposal of waste materials, along with routine inspections for leaks and conditions of drums, tanks and containers;
- Maintenance (See Part 2.1.2.3) – Preventative maintenance procedures, including regular inspections, testing, maintenance, and repair of all industrial equipment and systems, and control measures, to avoid situations that may result in leaks, spills, and other releases, and any back-up practices in place should a runoff event occur while a control measure is off-line;
- Spill Prevention and Response Procedures (See Part 2.1.2.4) – Procedures for preventing and responding to spills and leaks. You may reference the existence of other plans for Spill Prevention Control and Countermeasure (SPCC) developed for the facility under Section 311 of the CWA or BMP programs otherwise required by an NPDES permit for the facility, provided that you keep a copy of that other plan onsite and make it available for review consistent with Part 5.3; and
- Employee Training (Part 2.1.2.9) – Include a schedule for all types of necessary training.

5.1.5.2 Pertaining to Monitoring and Inspection. You must document in your SWPPP your procedures for conducting the five types of analytical monitoring specified by this permit, where applicable to your facility, including:

- Benchmark monitoring (see Part 6.2.1);
- Effluent limitations guidelines monitoring (see Part 6.2.2);
- Impaired waters monitoring (see Part 6.2.3); and

For each type of monitoring, your SWPPP must document:

- Locations where samples are collected, including any determination that two or more outfalls are substantially identical;
- Parameters for sampling and the frequency of sampling for each parameter;
- Monitoring schedule, including schedule for alternate monitoring periods for climates with irregular stormwater runoff (see Part 6.1.6);
- Any numeric control values (benchmarks, effluent limitations guidelines, TMDL-related requirements, or other requirements) applicable to discharges from each outfall; and
- Procedures (e.g., responsible staff, logistics, laboratory to be used, etc.) for gathering storm event data, as specified in Part 6.1.

You must document the following in your SWPPP if you plan to use the substantially identical outfall exception for your quarterly visual assessment requirements in Part 4.2 or your benchmark monitoring requirements in Part 6.2.1:

- Location of each of the substantially identical outfalls;
- Description of the general industrial activities conducted in the drainage area of each outfall;
- Description of the control measures implemented in the drainage area of each outfall;
- Description of the exposed materials located in the drainage area of each outfall that are likely to be significant contributors of pollutants to stormwater discharges;
- An estimate of the percent impervious cover;
- Why the outfalls are expected to discharge substantially identical effluents.

You must document in your SWPPP your procedures for performing, as appropriate, the three types of inspections specified by this permit, including:

- Routine facility inspections (see Part 4.1);
- Quarterly visual assessment of stormwater discharges (see Part 4.2); and
- Comprehensive site inspections (see Part 4.3).

For each type of inspection performed, your SWPPP must identify:

- Person(s) or positions of person(s) responsible for inspection;
- Inspection schedule, including tentative schedule for facilities in climates with irregular stormwater runoff discharges (see Part 4.2.3); and

- Specific items to be covered by the inspection, including schedules for specific outfalls.

5.1.6 Additional Documentation

5.1.6.1 Documentation Regarding Endangered Species. You must keep the documentation supporting your determination with regard to Part 1.2.4.5 (Endangered and Threatened Species and Critical Habitat Protection) with your SWPPP.

5.1.6.2 Documentation Regarding Historic Properties. You must keep the documentation supporting your determination with regard to Part 1.2.4.6 (Historic Properties Preservation) with your SWPPP.

5.1.6.3 Water Quality Standards. Your SWPPP must identify the water quality standards applicable to your receiving waters; i.e. if your facility discharges to Class A or Class B waters. Applicable water quality standards are compiled in the Vermont Water Quality Standards found at www.nrb.state.vt.us/wrp/rules.htm. You must also provide a description of wetlands or other “special aquatic sites” (see Appendix A for definition) that may receive discharges from your facility.

5.1.7 Signature Requirements.

You must sign and date your SWPPP in accordance with Appendix B, Subsection 11, including the date of signature.

5.2 Required SWPPP Modifications.

You must modify your SWPPP whenever necessary to address any of the triggering conditions for corrective action in Part 3.1 and to ensure that they do not reoccur, or when a review following the triggering conditions in Part 3.2 indicates that changes to your control measures are necessary to meet the effluent limits in this permit. Changes to your SWPPP document must be made in accordance with the corrective action deadlines in Parts 3.3 and 3.4, and must be signed and dated in accordance with Appendix B, Subsection 11.

5.3 SWPPP Availability.

You must retain a copy of the current SWPPP required by this permit at the facility, and it must be immediately available to the Agency, the EPA, the operator of an MS4 receiving discharges from the site; and representatives of the Vermont Fish and Wildlife Department (VTFWD), the U.S. Fish and Wildlife Service (USFWS), or the National Marine Fisheries Service (NMFS) at the time of an on-site inspection or upon request. Also, you must timely provide a copy of your SWPPP to any member of the public who makes such a request in writing. Confidential Business Information (CBI) may not be withheld from regulatory agencies, but may be withheld from the public. All portions of the SWPPP not justifiably considered CBI, must be provided to the public upon request. SWPPPs which have been submitted to the Agency will be available for public review, subject to any claims of CBI.

5.4 Additional Documentation Requirements.

The initial SWPPP document includes certain records and documents that you must compile to be authorized to discharge under this permit. Additionally, you are required to maintain certain inspection, monitoring, and certification documentation with your SWPPP that together keeps your records complete and up-to-date.

You are required to keep the following records onsite with your SWPPP to demonstrate your full compliance with the conditions of this permit:

- A copy of the NOI submitted to the Secretary along with any correspondence exchanged between you and the Secretary specific to coverage under this permit;
- A copy of the authorization to discharge you receive from the Secretary assigning your project number;
- A copy of this permit (an electronic copy easily available to SWPPP personnel is also acceptable);
- Descriptions and dates of any incidences of significant spills, leaks, or other releases that resulted in discharges of pollutants to waters of the U.S., through stormwater or otherwise; the circumstances leading to the release and actions taken in response to the release; and measures to prevent the recurrence of such releases (see Part 2.1.2.4);
- Records of employee training, including date training received (see Part 2.1.2.9);
- Documentation of maintenance and repairs of control measures, including the date(s) of regular maintenance, date(s) of discovery of areas in need of repair/replacement, and for repairs, the date(s) that control measure(s) returned to full function, and the justification for any extended maintenance/repair schedules (see Part 2.1.2.3);
- All inspection reports, including the Routine Facility Inspection Reports (see Part 4.1), the Quarterly Visual Assessment Reports (see Part 4.2), and the Comprehensive Site Inspection Reports (see Part 4.3);
- Description of any deviations from monitoring and inspection schedules and the reason for the deviation (e.g., adverse weather or it was impracticable to collect samples within the first 30 minutes of a measurable storm event) (see Part 4.2);
- Description of any corrective action taken at your site, including triggering event and dates when problems were discovered and modifications occurred;
- Documentation of any benchmark exceedances and how they were responded to, including either (1) corrective action taken or (2) a finding that no further pollutant reductions were technologically available and economically practicable and achievable in light of best industry practice consistent with Part 6.2.1.2; and

5.5 Notification by Secretary of Inadequacy.

The Secretary may notify you at any time that your SWPPP, your BMPs or other components of your stormwater program do not meet one or more of the requirements of this permit. This notification may be the result of comments on your SWPPP that the Secretary

receives from the public. The notification will identify specific provisions of this permit that are not being met, and may include required modifications to your stormwater program, stipulated deadlines, additional monitoring requirements and special reporting requirements.

5.6 Applicable State and Local Plans

The SWPPP must be consistent with applicable State and/or local stormwater, waste disposal, sanitary sewer or septic system regulations to the extent these apply to the facility and are more stringent than the requirements of this general permit.

6. Monitoring.

You must collect and analyze stormwater samples and document monitoring activities consistent with procedures described in Part 6 and Appendix B, Subsections 10 - 12 and any additional sector-specific requirements in Parts 8. Refer to Part 7 for reporting and recordkeeping requirements.

6.1 Monitoring Procedures

6.1.1 Monitored Outfalls.

Applicable monitoring requirements apply to each outfall authorized by this permit, except as otherwise exempt from monitoring as a “substantially identical outfall.” If your facility has two or more outfalls that you believe discharge substantially identical effluents, based on the similarities of the general industrial activities and control measures, exposed materials that may significantly contribute pollutants to stormwater, and estimate of impervious cover of their drainage areas, you may monitor the effluent of just one of the outfalls and report that the results also apply to the substantially identical outfall(s) provided that you monitor on a rotating basis each substantially identical outfall throughout the period of your coverage under this permit. As required in Part 5.1.5.2, your SWPPP must identify each outfall authorized by this permit and describe the rationale for any substantially identical outfall determinations. The allowance for monitoring only one of the substantially identical outfalls is not applicable to any outfalls with numeric effluent limitations. You are required to monitor each outfall covered by a numeric effluent limit as identified in Part 6.2.2.

6.1.2 Commingled Discharges.

If discharges authorized by this permit commingle with discharges not authorized under this permit, any required sampling of the authorized discharges must be performed at a point before they mix with other waste streams, to the extent practicable.

6.1.3 Measurable Storm Events.

All required monitoring must be performed on a storm event that results in an actual discharge from your site (“measurable storm event”) that follows the preceding measurable storm event by at least 72 hours (3 days). The 72-hour (3-day) storm interval does not apply if

you are able to document that less than a 72-hour (3-day) interval is representative for local storm events during the sampling period. In the case of snowmelt, the monitoring must be performed at a time when a measurable discharge occurs at your site.

For each monitoring event, except snowmelt monitoring, you must identify the date and duration (in hours) of the rainfall event, rainfall total (in inches) for that rainfall event, and time (in days) since the previous measurable storm event. For snowmelt monitoring, you must identify the date of the sampling event.

6.1.4 Sample Type.

You must take a minimum of one grab sample from a discharge resulting from a measurable storm event as described in Part 6.1.3. Samples must be collected within the first 30 minutes of a measurable storm event. If it is not possible to collect the sample within the first 30 minutes of a measurable storm event, the sample must be collected as soon as practicable after the first 30 minutes and documentation must be kept with the SWPPP explaining why it was not possible to take samples within the first 30 minutes. In the case of snowmelt, samples must be taken during a period with a measurable discharge.

6.1.5 Adverse Weather Conditions.

When adverse weather conditions as described in Part 4.2.3 prevent the collection of samples according to the relevant monitoring schedule, you must take a substitute sample during the next qualifying storm event. Adverse weather does not exempt you from having to file a benchmark monitoring report in accordance with your sampling schedule. You must report any failure to monitor as specified in Part 7.1 indicating the basis for not sampling during the usual reporting period.

6.1.6 Climates with Irregular Stormwater Runoff.

If your facility is located in areas where limited rainfall occurs during parts of the year (e.g., arid or semi-arid climates) or in areas where freezing conditions exist that prevent runoff from occurring for extended periods, required monitoring events may be distributed during seasons when precipitation occurs, or when snowmelt results in a measurable discharge from your site. You must still collect the required number of samples.

6.1.7 Monitoring Periods.

Monitoring requirements in this permit begin in the first full quarter following your date of discharge authorization. If your monitoring is required on a quarterly basis (e.g., benchmark monitoring), you must monitor at least once in each of the following 3-month intervals:

- January 1 – March 31;
- April 1 – June 30;
- July 1 – September 30; and
- October 1 – December 31.

For example, if you obtain permit coverage on June 1, 2011, then your first monitoring quarter is July 1 - September 30, 2011. This monitoring schedule may be modified in accordance with Part 6.1.6 if the revised schedule is documented with your SWPPP and provided to the Secretary with your first monitoring report.

6.1.8 Monitoring for Allowable Non-Stormwater Discharges

You are only required to monitor allowable non-stormwater discharges (as delineated in Part 1.2.3) when they are commingled with stormwater discharges associated with industrial activity.

6.2 Required Monitoring.

This permit includes five types of required analytical monitoring, one or more of which may apply to your discharge:

- Quarterly benchmark monitoring (see Part 6.2.1)
- Annual effluent limitations guidelines monitoring (see Part 6.2.2);
- Impaired waters monitoring (see Part 6.2.3); and
- Other monitoring as required by the Secretary (see Part 6.2.4).

When more than one type of monitoring for the same parameter at the same outfall applies (e.g., total suspended solids once per year for an effluent limit and once per quarter for benchmark monitoring at a given outfall), you may use a single sample to satisfy both monitoring requirements (i.e., one sample satisfying both the annual effluent limit sample and one of the 4 quarterly benchmark monitoring samples).

All required monitoring must be conducted in accordance with the procedures described in Appendix B, Subsection 10.D.

6.2.1 Benchmark Monitoring.

This permit stipulates pollutant benchmark concentrations that may be applicable to your discharge. The benchmark concentrations are not effluent limitations; a benchmark exceedance, therefore, is not a permit violation. Benchmark monitoring data are primarily for your use to determine the overall effectiveness of your control measures and to assist you in knowing when additional corrective action(s) may be necessary to comply with the effluent limitations in Part 2.

6.2.1.1 Applicability of Benchmark Monitoring. You must monitor for any benchmark parameters specified for the industrial sector(s), both primary industrial activity and any co-located industrial activities, applicable to your discharge. Your industry-specific benchmark concentrations are listed in the sector-specific sections of Part 8. If your facility is in one of the industrial sectors subject to benchmark concentrations that are hardness-dependent, you are required to submit to the Secretary with your first

benchmark report a hardness value, established consistent with the procedures in Appendix F, which is representative of your receiving water.

Samples must be analyzed consistent with 40 CFR Part 136 analytical methods and using test procedures with quantitation limits at or below benchmark values for all benchmark parameters for which you are required to sample.

6.2.1.2 Benchmark Monitoring Schedule. Benchmark monitoring must be conducted quarterly, as identified in Part 6.1.7, for your first 4 full quarters of permit coverage. Facilities in climates with irregular stormwater runoff, as described in Part 6.1.6, may modify this quarterly schedule provided that this revised schedule is reported to the Secretary when the first benchmark sample is collected and reported, and that this revised schedule is kept with the facility's SWPPP as specified in Part 5.4.

Data not exceeding benchmarks: After collection of 4 quarterly samples, if the average of the 4 monitoring values for any parameter does not exceed the benchmark, you have fulfilled your monitoring requirements for that parameter for the permit term. For averaging purposes, use a value of zero for any individual sample parameter, analyzed using procedures consistent with Part 6.2.1.1, which is determined to be less than the method detection limit. For sample values that fall between the method detection level and the quantitation limit (i.e., a confirmed detection but below the level that can be reliably quantified), use a value halfway between zero and the quantitation limit.

Data exceeding benchmarks: After collection of 4 quarterly samples, if the average of the 4 monitoring values for any parameter exceeds the benchmark, you must, in accordance with Part 3.2, review the selection, design, installation and implementation of your control measures to determine if modifications are necessary to meet the effluent limits in this permit, and either:

- Make the necessary modifications and continue quarterly monitoring until you have completed 4 additional quarters of monitoring for which the average does not exceed the benchmark; or
- Make a determination that no further pollutant reductions are technologically available and economically practicable and achievable in light of best industry practice to meet the technology-based effluent limits or are necessary to meet the water-quality-based effluent limitations in Parts 2 of this permit, in which case you must continue monitoring once per year. You must also document your rationale for concluding that no further pollutant reductions are achievable, and retain all records related to this documentation with your SWPPP. You must also notify the Secretary of this determination in your next benchmark monitoring report.

In accordance with Part 3.2, you must review your control measures and perform any required corrective action immediately (or document why no corrective action is required), without waiting for the full 4 quarters of monitoring data, if an exceedance of

the 4 quarter average is mathematically certain. If after modifying your control measures and conducting 4 additional quarters of monitoring, your average still exceeds the benchmark (or if an exceedance of the benchmark by the 4 quarter average is mathematically certain prior to conducting the full 4 additional quarters of monitoring), you must again review your control measures and take one of the two actions above.

6.2.1.3 Exception for Inactive and Unstaffed Sites. The requirement for benchmark monitoring does not apply at a facility that is inactive and unstaffed, as long as there are no industrial materials or activities exposed to stormwater. To invoke this exception, you must do the following:

- Maintain a statement onsite with your SWPPP stating that the site is inactive and unstaffed, and that there are no industrial materials or activities exposed to stormwater in accordance with the substantive requirements in 40 CFR 122.26(g) and sign and certify the statement in accordance with Appendix B, Subsection 11; and
- If circumstances change and industrial materials or activities become exposed to stormwater or your facility becomes active and/or staffed, this exception no longer applies and you must immediately begin complying with the applicable benchmark monitoring requirements under Part 6.2 as if you were in your first year of permit coverage. You must indicate in your first benchmark monitoring report that your facility has materials or activities exposed to stormwater or has become active and/or staffed.
- If you are not qualified for this exception at the time you are authorized under this permit, but during the permit term you become qualified because your facility is inactive and unstaffed, and there are no industrial materials or activities that are exposed to stormwater, then you must notify the Secretary of this change in your next benchmark monitoring report. You may discontinue benchmark monitoring once you have notified the Secretary, and prepared and signed the certification statement described above concerning your facility's qualification for this special exception.

Note: This exception has different requirements for Sectors G, H, and J (see Part 8).

6.2.2 Effluent Limitations Monitoring.

6.2.2.1 Monitoring Based on Effluent Limitations Guidelines. Table 6-1 identifies the stormwater discharges subject to effluent limitation guidelines that are authorized for coverage under this permit. Beginning in the first full quarter following your date of discharge authorization, you must monitor annually each outfall containing the discharges identified in Table 6-1 for the parameters specified in the sector-specific section of Part 8.

Table 6-1. Required Monitoring for Effluent Limits Based on Effluent Limitations Guidelines			
Regulated Activity	Effluent Limit	Monitoring Frequency	Sample Type
Discharges resulting from spray down or intentional wetting of logs at wet deck storage areas	See Part 8.A.7	1/year	Grab
Runoff from phosphate fertilizer manufacturing facilities that comes into contact with any raw materials, finished product, by-products or waste products (SIC 2874)	See Part 8.C.4	1/year	Grab
Runoff from asphalt emulsion facilities	See Part 8.D.4	1/year	Grab
Runoff from material storage piles at cement manufacturing facilities	See Part 8.E.5	1/year	Grab
Mine dewatering discharges at crushed stone, construction sand and gravel, or industrial sand mining facilities	See Part 8.J.9	1/year	Grab
Runoff from hazardous waste landfills	See Part 8.K.6	1/year	Grab
Runoff from non-hazardous waste landfills	See Part 8.L.10	1/year	Grab
Runoff from coal storage piles at steam electric generating facilities	See Part 8.O.8	1/year	Grab

6.2.2.2 Substantially Identical Outfalls. You must monitor each outfall discharging runoff from any regulated activity identified in Table 6-1. The substantially identical outfall monitoring provisions are not available for numeric effluent limits monitoring.

6.2.3 Discharges to Impaired Waters Monitoring.

6.2.3.1 Permittees Required to Monitor Discharges to Impaired Waters. If you discharge to an impaired water, you must monitor for all pollutants for which the waterbody is impaired and for which a standard analytical method exists (see 40 CFR Part 136).

If the pollutant for which the waterbody is impaired is suspended solids, turbidity or sediment/sedimentation, you must monitor for Total Suspended Solids (TSS). If the pollutant for which the waterbody is impaired is expressed in the form of an indicator or surrogate pollutant, you must monitor for that indicator or surrogate pollutant. No monitoring is required when a waterbody's biological communities are impaired but no pollutant, including indicator or surrogate pollutants, is specified as causing the impairment, or when a waterbody's impairment is related to hydrologic modifications, impaired hydrology, or temperature.

6.2.3.2 Impaired Waters Monitoring Schedule.

Discharges to impaired waters without an EPA approved or established TMDL:

Beginning in the first full quarter following your date of discharge authorization you must perform annual monitoring at each outfall (except substantially identical outfalls) discharging stormwater to impaired waters without an EPA approved or established TMDL.

This monitoring requirement does not apply after one year if the pollutant for which the waterbody is impaired is not present and not expected to be present in your stormwater discharge, and you document this in your SWPPP.

If the pollutant for which the water is impaired is not present and not expected to be present in your discharge, you should include a notification to this effect in your first monitoring report, after which you may discontinue annual monitoring.

Discharges to impaired waters with an EPA approved or established TMDL: For stormwater discharges to waters for which there is an EPA approved or established TMDL, you are not required to monitor for the pollutant for which the TMDL was written unless the Secretary informs you, upon examination of the applicable TMDL and/or WLA, that you are subject to such a requirement consistent with the assumptions of the applicable TMDL and/or WLA. The Secretary's notice will include specifications on which pollutant to monitor and the required monitoring frequency during the first year of permit coverage. Following the first year of monitoring:

- If the TMDL pollutant is not detected in any of your first year samples, you may discontinue further sampling, unless the TMDL has specific instructions to the contrary, in which case you must follow those instructions. You must keep records of this finding onsite with your SWPPP.
- If you detect the presence of the pollutant causing the impairment in your stormwater discharge for any of the samples collected in your first year, you must continue monitoring annually throughout the term of this permit, unless the TMDL specifies more frequent monitoring, in which case you must follow the TMDL requirements.

6.2.4 Additional Monitoring Required by the Secretary.

The Secretary may notify you of additional discharge monitoring requirements. Any such notice will briefly state the reasons for the monitoring, locations, and parameters to be monitored, frequency and period of monitoring, sample types, and reporting requirements.

6.3 Follow-up Actions if Discharge Exceeds Numeric Effluent Limit.

You must conduct follow-up monitoring within 30 calendar days (or during the next qualifying runoff event, should none occur within 30 days) of implementing corrective action(s)

taken pursuant to Part 3 in response to an exceedance of a numeric effluent limit contained in this permit. Monitoring must be performed for any pollutant(s) that exceeded the effluent limit. If this follow-up monitoring exceeds the applicable effluent limitation, you must comply with both Parts 6.3.1 and 6.3.2.

6.3.1 Submit an Exceedance Report.

You must submit an Exceedance Report consistent with Part 7.3.

6.3.2 Continue to Monitor.

You must continue to monitor, at least quarterly, until your discharge is in compliance with the effluent limit or until the Secretary waives the requirement for additional monitoring.

7. Reporting and Recordkeeping

7.1 Reporting Monitoring Data to the Secretary.

All monitoring data collected pursuant to Parts 6.2 and 6.3 must be submitted to the Secretary no later than 30 days after you have received your complete laboratory results for all monitored outfalls for the reporting period. The Discharge Monitoring Report (DMR) form is available at http://www.vtwaterquality.org/stormwater/htm/sw_msgp.htm.

For benchmark monitoring, note that you are required to submit sampling results to the Secretary no later than 30 days after receiving laboratory results for each quarter that you are required to collect benchmark samples, in accordance with Part 6.2.1.2. If you collect multiple samples in a single quarter (e.g., due to adverse weather conditions, climates with irregular stormwater runoff, or areas subject to snow), you are required to submit all sampling results to the Secretary within 30 days of receiving the laboratory results.

7.2 Annual Report

You must submit an annual report to the Secretary that includes the findings from your Part 4.3 comprehensive site inspection and any corrective action documentation as required in Part 3.4. If corrective action is not yet completed at the time of submission of this annual report, you must describe the status of any outstanding corrective action(s). In addition to the information required in Parts 3.4 (Corrective Action Report) and 4.3.2 (Comprehensive Site Inspection Documentation), you must include the following information with your annual report:

- Facility name
- Facility project number
- Facility physical address
- Contact person name, title, and phone number

The Agency strongly recommends that you submit this report using the Comprehensive

Stormwater Inspection and Reporting Form provided at http://www.vtwaterquality.org/stormwater/html/sw_msgp.htm. You must submit the annual report to the Secretary within 45 days (postmarked) after conducting the comprehensive site inspection to the address identified in Part 7.6.

7.3 Exceedance Report for Numeric Effluent Limits

If follow-up monitoring pursuant to Part 6.3 exceeds a numeric effluent limit, you must submit an Exceedance Report to the Secretary no later than 30 days after you have received your lab results. Your report must include the following:

- Facility project number;
- Facility name, physical address and location;
- Name of receiving water;
- Monitoring data from this and the preceding monitoring event(s);
- An explanation of the situation; what you have done and intend to do (should your corrective actions not yet be complete) to correct the violation; and
- An appropriate contact name and phone number.

7.4 Additional Reporting.

In addition to reporting requirements stipulated in Part 7, you are also subject to the standard permit reporting provisions of Appendix B, Subsection 12.

You must submit the following reports to the Secretary at the address listed in Part 7.6. If you discharge through an MS4, you must also submit these reports to the MS4 operator (identified pursuant to Part 5.1.2).

- 24-hour reporting (see Appendix B, Subsection 12.F) - You must report any noncompliance which may endanger health or the environment. Any information must be provided orally within 24 hours from the time you become aware of the circumstances;
- 5-day follow-up reporting to the 24 hour reporting (see Appendix B, Subsection 12.F) - A written submission must also be provided within five days of the time you become aware of the circumstances;
- Reportable quantity spills (see Part 2.1.2.4) - You must provide notification, as required under Part 2.1.2.4, as soon as you have knowledge of a leak, spill, or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity.

Where applicable, you must submit the following reports to the Secretary at the address in Part 7.6:

- Planned changes (see Appendix B, Subsection 12.A) – You must give notice to the Secretary as soon as possible of any planned physical alterations or additions to the permitted facility that qualify the facility as a new source or that could significantly change the nature or significantly increase the quantity of pollutants discharged;
- Anticipated noncompliance (see Appendix B, Subsection 12.B) – You must give advance notice to the Secretary of any planned changes in the permitted facility or activity which you anticipate will result in noncompliance with permit requirements;
- Transfer of ownership and/or operation – You must submit a complete and accurate NOI by the deadlines specified in Table 1-2;
- Compliance schedules (see Appendix B, Subsection 12.F) - Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit must be submitted no later than 14 days following each schedule date;
- Other noncompliance (see Appendix B, Subsection 12.G) - You must report all instances of noncompliance not reported in your monitoring report (pursuant to Part 7.1), compliance schedule report, or 24-hour report at the time monitoring reports are submitted; and
- Other information (see Appendix B, Subsection 12.H) – You must promptly submit facts or information if you become aware that you failed to submit relevant facts in your NOI, or that you submitted incorrect information in your NOI or in any report.

7.5 Recordkeeping.

You must retain copies of your SWPPP (including any modifications made during the term of this permit), additional documentation requirements pursuant to Part 5.4 (including documentation related to corrective actions taken pursuant to Part 3), all reports and certifications required by this permit, monitoring data, and records of all data used to complete the NOI to be covered by this permit, for a period of at least 3 years from the date that your coverage under this permit expires or is terminated.

7.6 Agency Addresses

All forms and reports or any other correspondence should be sent to the following address:

Vermont Department of Environmental Conservation
Water Quality Division
Stormwater Multi-Sector General Permit
103 South Main Street, 10N
Waterbury, VT 05671-0408