

**Vermont Agency of Natural Resources
Department of Environmental Conservation**

**Final Designation Pursuant to the Clean Water Act for Designated
Discharges to Bartlett, Centennial, Englesby, Morehouse and Potash
Brooks**

On June 19, 2009 the Secretary of the Vermont Agency of Natural Resources on behalf of the Department of Environmental Conservation (Department) made a preliminary determination that certain designated stormwater discharges to Bartlett, Centennial, Englesby, Morehouse and Potash Brooks require National Pollutant Discharge Elimination System (NPDES) permit coverage pursuant to the federal Clean Water Act. The designated discharges were determined to be contributing to a violation of water quality standards pursuant to 40 CFR Section 122.26(a)(9)(i)(D). This determination was consistent with § 402(p) of the CWA, 33 U.S.C. § 1342(p), and related regulations found at 40 C.F.R. § 122.26.

The Secretary's preliminary determination relating to designated discharges to these five brooks is set forth in the five initial designation documents issued on June 19, 2009. These documents are available on the Department's website at http://www.vtwaterquality.org/stormwater/htm/sw_RDA.htm

In sum, a designated discharge is defined as a stormwater discharge from an impervious surface to either Bartlett, Centennial, Englesby, Morehouse or Potash Brook if such discharge is not covered under the NPDES municipal separate storm sewer system (MS4) permit or another NPDES permit (e.g., NPDES industrial or wastewater discharge permit), or is not authorized by a state stormwater discharge permit with an associated offset or on-site controls that result in no net contribution to the receiving water. For purposes of this designation, non-municipal discharges into the MS4 system or discharges that commingle with the MS4 system are not subject to this designation.

This designation includes non-municipal discharges that are contributing stormwater runoff from an impervious surface to a specifically identified point source outfall to either Bartlett, Centennial, Englesby, Morehouse or Potash Brook that is not currently covered under a NPDES permit or a state stormwater discharge permit with an associated offset or on-site controls that result in no net contribution to the receiving water. For purposes of this final determination, impervious surface means man made surfaces, including, but not limited to, paved and unpaved roads, parking areas, roofs, driveways and walkways, from which precipitation runs off rather than infiltrates.

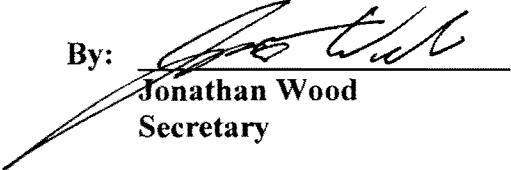
At the time of the initial designation, and again when comments were invited on the September 30, 2009 issuance of the draft RDA permit, the Department invited comment on the initial designation. The Department did not receive any written comment on the initial designation during the period from June 29, 2009 through October 30, 2009.

Internal review by the Department of the initial designations for these five brooks revealed that some changes to the list of designated discharges was needed based on

further verification of field information relating to certain discharges. The Department has made those changes and posted a final designated discharge list on the web at http://www.vtwaterquality.org/stormwater/htm/sw_RDA.htm. Having made those changes, the Department is hereby finalizing its initial designations for Bartlett, Centennial, Englesby, Morehouse and Potash Brooks.

Vermont Agency of Natural Resources

By:


Jonathan Wood
Secretary

Date:

11/19/09