

Initial Notice of Residual Designation of Stormwater Discharges Under the National Pollutant Discharge Elimination System of the Clean Water Act

AGENCY: Vermont Agency of Natural Resources.

ACTION: Initial notice

SUMMARY: Pursuant to a Vermont Environmental Court Judgment Order (In re: Stormwater NPDES Petition (Conservation Law Foundation Appeal) Docket No. 14-1-07 Vtec (Aug. 28, 2008)), the Vermont Agency of Natural Resources (VTANR) is hereby providing initial notice pursuant to Section 402(p) of the Clean Water Act and 40 CFR 122.26 (9)(i)(D) that a National Pollutant Discharge Elimination System (NPDES) permit is needed for certain stormwater discharges to Bartlett, Centennial, Englesby, Morehouse, and Potash Brooks.

VTANR is hereby providing initial notice that certain discharges from impervious surfaces to Bartlett, Centennial, Englesby, Morehouse, or Potash Brook (or a tributary of such brooks) will require a NPDES permit if such discharge is not covered under the NPDES municipal separate storm sewer system (MS4) permit or another NDPEs 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 initial notice, non-municipal discharges into the MS4 system or discharges that commingle with the MS4 system are not subject to this designation.

Complete copies of this designation are available at:

http://www.vtwaterquality.org/stormwater/html/sw_RDA.htm

VTANR intends to issue a general stormwater permit for discharges subject to this designation in the near future because designated dischargers need to apply for coverage within 180 days of receiving this notice.

The designation of discharges that require a permit will not become effective until VTANR issues a general permit or an individual permit that will authorize discharges subject to this designation. During the public comment period on any such permit or appeal of any such permit the question of whether a particular designation is proper will remain open for consideration.

FOR FURTHER INFORMATION CONTACT:

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