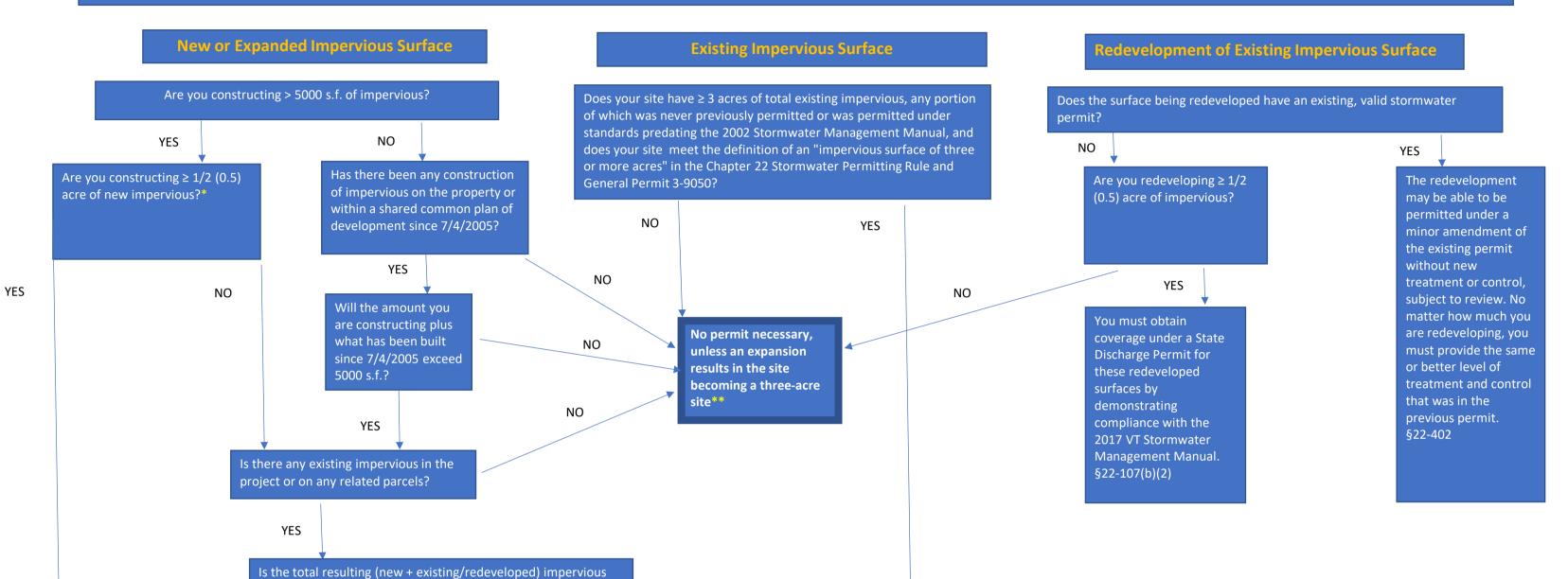
Do I Need to Obtain a State Operational Stormwater Discharge Permit?

Permitting Flow Chart for Stormwater Discharges from Impervious Surfaces

Are you constructing new impervious or redeveloping existing impervious surfaces? If you are doing both, examine jurisdiction for each type.



You must obtain coverage for the new surfaces under a State Discharge permit by demonstrating compliance with the 2017 VT Stormwater Management Manual. §22-107(b)(2) You must obtain coverage under a State Discharge Permit for the new surfaces by demonstrating compliance with the 2017 VT Stormwater Management Manual; existing surfaces that were previously permitted must receive the same treatment as in their original permit, unless an expansion results in the site becoming a three-acre site.** Changes to previously permitted existing surfaces may require a permit amendment. §22-107(b)(3), §22-901(a)(1)(C), & §22-310

surface ≥ 1 acre?

YES

No permit necessary for new surfaces and existing surfaces that were previously permitted must still receive the same treatment as in their original permit, unless an expansion results in the site becoming a three-acre site.** Changes to previously permitted existing impervious surfaces may require a permit amendment. §22-402, §22-310

NO

You must obtain coverage under a State Discharge Permit for all existing impervious surfaces. Existing surfaces that are unpermitted or permitted to pre-2002 Stormwater Manual standards are subject to compliance with the 2017 VT Stormwater Management Manual and the requirements in General Permit 3-9050 specific to "three-acre sites." §22-107(b)(4)

*The 1/2 acre impervious permitting threshold applies to new development - defined as the construction of impervious surface on a tract or tracts of land where no impervious previously existed - and redevelopment. An expansion of impervious on a site where there is existing impervious and no existing, valid operational stormwater permit needs permit coverage only if the total resulting impervious surface (new + existing/redeveloped) is ≥ 1 acre. §22-201 (17), §22-201(29), §22-

201(42), §22-107(b)(3)

**If an expansion of impervious of any amount in the project or on a related parcel results in the total impervious (new + existing) increasing from < 3 acres to ≥ 3 acres such that the site meets the definition of an "impervious surface of three or more acres" in the Chapter 22 Stormwater Permitting Rule and General Permit 3-9050, and as described in 3-9050 1.3(D), the entire site becomes subject to the 3-acre permitting requirements. and you must obtain coverage under a State Discharge Permit for surfaces that are unpermitted or permitted to standards that predate the 2002 VSMM. §22-201(24)

IMPORTANT: this flow chart is guidance and does not constitute a jurisdictional determination from the DEC Stormwater Program. The examples of impervious surface development noted herein should not be assumed to be mutually exclusive.

Section sign characters (§) reference sections of the Environmental Protection Rule, Chapter 22 Stormwater Permitting Rule.

https://dec.vermont.gov/sites/dec/files/wsm/stormwater/docs/2019_02_15%3B%20Final%20Adopted%20Chapter%2022%2C%20Stormwater%20Permitting%20Rule.pdf

exemptions from Operational Permit Coverage (§22-105):

- Stormwater discharges from farms in compliance with agricultura
- 2) Stormwater discharges from accepted silvicultural practices as
- lefined by the Comissioner of Forests, Parks, and Recreation.
- 3) Stormwater discharges from areas permitted under a NPDES
- 4) Stormwater runoff from dams & the portion of a bridge
- superstructure that spans the ordinary high water mark of a wat