

# 2023 Vermont Application Requirements for Construction Permits

Version 1.1 02/08/2023

## Table of Contents

|   |    |
|---|----|
| Introduction.....   | 3  |
| Part 1. Application Submittal Requirements.....                         | 4  |
| 1.1 Application Format.....   | 5  |
| 1.1.1 Low Risk Projects.....  | 5  |
| 1.1.2 Moderate Risk Projects.....                                       | 6  |
| 1.1.3 Projects Requiring an Individual Permit.....                      | 6  |
| More information on specific application materials.....                 | 6  |
| 1.2 Permit Application Correspondence and Revisions.....                | 8  |
| 1.3 Correspondence and Reporting for Issued Permits/Authorizations..... | 8  |
| Addition of Co-Permittees.....  | 8  |
| Transfers.....  | 9  |
| Notices of Termination.....   | 9  |
| Additional Forms, Reports, and Notices.....                             | 9  |
| General Correspondence.....   | 9  |
| Part 2: NOI / Application.....  | 10 |
| Applicant(s).....   | 10 |
| Project Name.....   | 10 |
| Description of Construction Activities to be Permitted.....             | 10 |
| Receiving Waters.....   | 11 |
| Project Risk Category.....  | 11 |
| Latitude and Longitude.....   | 11 |
| SPAN (School Property Account Number).....                              | 11 |
| Common Plan of Development.....   | 11 |
| Previously Issued or Pending Stormwater Discharge Permits.....          | 12 |
| Total Area of Disturbance.....  | 12 |

|   |    |
|---|----|
| Estimated Date of Construction Commencement.....  | 12 |
| Estimated Date of Construction Completion / Site at Final Stabilization.....  | 13 |
| Existing Impervious Surfaces at the Project Site.....   | 13 |
| Increases in Impervious Surface Area as a Result of the Project.....  | 13 |
| Estimated Volumetric Runoff Coefficient (R <sub>v</sub> )for the Site <i>after</i> Construction Completion .....  | 13 |
| Fill Material Expected to be Utilized for Construction.....   | 14 |
| Type and Nature of Soil that will be Disturbed on Site .....  | 14 |
| Quality of Existing Stormwater Discharges on Site .....   | 14 |
| Additional Municipal Stormwater Requirements Applicable During Construction.....  | 14 |
| Additional Municipal Stormwater Requirements Applicable Post-Construction.....  | 14 |
| Other Post-Construction Stormwater Treatment or Control Measures Proposed, Not Otherwise Identified.....  | 15 |
| Project Stormwater Discharges to Groundwater via Infiltration Basin or Similar Practice.....  | 15 |
| Proposed Stormwater Discharges to Groundwater Located within Zone 1 or Zone 2 of a Public Groundwater Source Protection Area (SPA).....   | 15 |
| Is the Proposed Stormwater Discharges to Groundwater Located within a Groundwater Protection Overlay District Established by a Municipality Pursuant to 24 V.S.A. S 4414(2).....                                      | 15 |
| Part 3: Location Map.....   | 15 |
| Part 4: Soils Evaluation Tool.....  | 15 |
| Part 5: Map or Plan Drawn to Scale (Low Risk); or Erosion Prevention and Sediment Control (EPSC) Plan (Moderate Risk and Individual Permit Applications).....   | 16 |
| Low Risk Construction Activity.....   | 16 |
| Moderate Risk Construction Activity and Individual Permit Applications.....   | 16 |
| 5.1 EPSC Plan Guidance.....   | 17 |
| Appendices.....   | 20 |
| Appendix 1: Amendments to Existing Stormwater Construction Discharge Permits and Applications to Reauthorize Construction Activity Prior to, or After Permit Expiration.....  | 20 |
| Appendix 2: ANR Online Instructions for Construction Stormwater Permit Application and Form Submittals; and US. EPA’s Cross Media Electronic Reporting Regulation (CROMERR) Compliance for Application Submittal..... | 21 |
| Creating a User Account.....  | 21 |
| Signing In .....  | 21 |
| Subscriber Agreement.....   | 22 |
| Sharing Access to Submissions.....  | 22 |

## Introduction

**This document is intended to ensure that submissions of Vermont Construction Stormwater Discharge Permit applications are uniform in content and arrangement and establishes guidance to the design community on application preparation and submittal. Applications are REQUIRED to be submitted via the ANR Online Portal. Submittal of a paper application by mail must receive a pre-approved waiver from the Department and will only be allowed under limited circumstances.**

The contents of this document represent the Stormwater Program's required format for application organization, required material, and supporting information. Failure to adhere to the application submittal requirements presented herein may delay application processing and review or result in the return or denial of a permit application. Variations to application submittal requirements may be approved by the Agency in advance of submittal, on a case-by-case basis, in consideration of specific circumstances for a particular project.

**IMPORTANT:** For **amendments to existing construction stormwater discharge permits**, and for applications for continued coverage of an expiring or expired authorization/permit, designers should also refer to Appendix 1 of this document, which will provide additional guidance and application requirements for amendments to existing stormwater construction discharge permits.

**ATTENTION:** Vermont Construction General Permit (CGP) 3-9020 was amended and reissued on February 19, 2020, along with updates to the Low Risk Handbook for Erosion Prevention and Sediment Control (LRHB) and The Vermont Standards and Specifications for Erosion Prevention and Sediment Control (VSS). Reissued CGP 3-9020 is effective on May 19, 2020. Link to the reissued and amended CGP, the Department's response to public comments (Response Summary), and copies of the updated LRHB and VSS are provided below.

Applications received after 11:59 PM on May 18, 2020 are subject to the reissued Vermont Construction General Permit (CGP) 3-9020, including applications for continued coverage of an expiring or expired authorization/permit and applications for an Individual Construction Stormwater Discharge Permits, to ensure consistency with updated permit application requirements as set forth in CGP 3-9020 and the Stormwater Permitting Rule (Environmental Protection Rules: Chapter 22). **Applications to reapply for permit coverage for expired or expiring permits are subject to applicable processing fees, regardless of whether the new application is submitted prior to current permit expiration. Current permits do however remain valid through expiration date.**

The amended CGP includes new application requirements for projects seeking permit coverage as Low Risk or Moderate Risk construction activity, and as applicable, to applications for Individual Construction Stormwater Discharge Permit coverage. In addition, and as noted above, electronic application submittal is required via ANR Online, unless submission by mail has been pre-approved, and a waiver has been granted in advance. The amended CGP includes changes to the Appendix A – Risk Evaluation criteria and scoring system, establishes limitations on concurrent earth disturbance and stabilization schedule for projects covered by the CGP, and includes a set of revised conditions for addressing and allowing certain types of project changes that may occur after an authorization has been

issued. Projects that receive an authorization as Low or Moderate Risk construction activity may be authorized for up to a 5-year permit term.

Permit coverage previously issued under the former CGP 3-9020 or an Individual Construction Stormwater Discharge Permit remain valid and in effect for the term of the issued authorization or individual discharge permit. Materials related to inspection and reporting, as applicable to applicants that applied or received permit coverage by May 18, 2020 are found at the bottom of the Stormwater Program construction permitting web page. Materials such as inspection forms, discharge reporting forms, and related forms will be updated to reflect changes with CGP 3-9020 (effective May 19, 2020) soon.

**Applicants and design consultants are strongly advised to review the following Application Requirements for Submittal of Construction Stormwater Discharge Permits prior to submittal. In addition, applications through the ANR Online portal will require that the primary landowner and operator (if known at the time of application) submit the application in accordance with [US EPA's Cross-Media Electronic Reporting Rule](#) as set forth in Vermont's NPDES delegated permit authority.**

**Therefor it is strongly advised that design consultants engage early on with their clients on the requirements for establishing this identity identification protocol, including a [Subscriber Agreement](#) in ANR Online early on in the process in advance of application submittal. For detailed application submittal requirements, please see the following application requirements as outlined in this document.**

**This may require applicants, particularly for applications being prepared by someone other than the applicant to establish “sharing” within ANR Online with their application preparer. It’s therefore important that application preparers become familiar with establishing the ability to “share” application submissions. More detail on this process and guidance can be found in Appendix 2 of this document, along with additional guidance on ANR Online submittal.**

## **Part 1. Application Submittal Requirements**

All permit applications must be submitted electronically via ANR Online unless prior approval for a waiver of electronic ANR Online has been approved. Adobe PDF Notice of Intent (NOI) form for Low and Moderate Risk Construction Activity will only be made available with such approval. Application submittals will not be accepted via email or through external document sharing sites. Applicable Application Processing Fees must be paid using ANR Online, unless prior approval for waiver as noted above has been approved, then payment by check via postal mail, payable to the State of Vermont may be made. For State of Vermont projects, such as those proposed by the Vermont Agency of Transportation, payment of application fees may be made through inter-Agency payment methods. Paper copies of application materials, including EPSC plans shall not be provided, unless they are specifically requested by the Stormwater Program.

It is also encouraged that all correspondence in response to administrative or technical review of an application subsequent to the initial submittal be conducted via email direct to either administrative

review staff or in the case of technical review, the Stormwater Program, District staff member. Correspondence with the Stormwater Program on issued construction permits should also be conducted electronically when possible as directed below.

## **Landowner Submittal Required**

**Applications through the ANR Online portal will require that the application be submitted by the Landowner for the project.**

Only a single Landowner may apply at the time of application, and although applications may be in many cases prepared by a consulting designer, the application will first need to be “shared” once prepared to allow for the Landowner to complete the submission along with the certification and payment of the application fee. Applications must be submitted in accordance with [US EPA’s Cross-Media Electronic Reporting Rule](#) as set forth in Vermont’s NPDES delegated permit authority. It is therefore strongly advised that design consultants engage early on with their clients, on the requirements for establishing this identity identification protocol, including a [Subscriber Agreement](#) in ANR Online early on in the process in advance of application submittal.

**Additional Landowner(s) and/or Operator(s)** Additional Landowner(s) or Operator(s) that will be co-permittee, will also submit the request for co-permittee status (following authorization/permit issuance) in accordance with [US EPA’s Cross-Media Electronic Reporting Rule](#) as set forth in Vermont’s NPDES delegated permit authority. It is therefore again strongly advised that design consultants engage early on with their clients, including potential co-permittees, on the requirements for establishing this identity identification protocol, including a [Subscriber Agreement](#) in ANR Online early on in the process in advance of Request for Co-Permittee status submittal via ANR Online, for which time the submittal will identify the issued authorization/permit number.

## **1.1 Application Format**

A complete application for coverage under the Construction General Permit or under an Individual Construction Stormwater Discharge Permit is comprised of all the applicable application materials and payment for the application processing fee. For Construction General Permit applications, either Low or Moderate Risk, the Notice of Intent (NOI) information and completed Risk Evaluation criteria is entered directly into ANR Online. Individual Construction Stormwater Discharge Permits applications still rely on the submittal of a fillable Adobe PDF application form that is uploaded. All other materials may be uploaded as directed within ANR Online. For uploaded documents, files should be named as follows:

### **1.1.1 Low Risk Projects**

1. NOI (completed along with Appendix A - Risk Evaluation through ANR Online, no file naming required)
2. Location Map (uploaded to ANR Online)
3. Soils Evaluation Tool (uploaded to ANR Online as PDF) if applicable
4. Site Drawing (uploaded to ANR Online)

### 1.1.2 Moderate Risk Projects

1. NOI (completed along with Appendix A Risk Evaluation through ANR Online, no file naming required)
2. Location Map (uploaded to ANR Online)
3. Soils Evaluation Tool (uploaded to ANR Online as PDF)
4. EPSC Plan (uploaded to ANR Online)
5. EPSC Plan Reference Form (uploaded to ANR Online)

### 1.1.3 Projects Requiring an Individual Permit

1. Individual Construction Stormwater Discharge Permit Application Form (complete Adobe PDF fillable form and upload document to ANR Online, file named as follows: INDC\_APP)
2. Location Map (uploaded to ANR Online)
3. Appendix A Risk Evaluation
4. Soils Evaluation Tool (uploaded to ANR Online as PDF)
5. EPSC Plan (uploaded to ANR Online)
6. EPSC Plan Reference Form (uploaded to ANR Online)

### More information on specific application materials.

**Note:** Please do not combine separate application materials into single files, such as combining Location Map with EPSC Plan. Use the above format and file naming convention, as able.

#### 1. *NOI / Application Form*

Notice of Intent (NOI) is specific to both Low and Moderate Risk Construction Activity that are eligible for permit coverage under Construction General Permit 3-9020. Projects that do not qualify as Low or Moderate Risk must apply for an Individual Construction Stormwater Discharge Permit by submittal of the Individual Construction Stormwater Discharge Permit Application Form. Effective January 1, 2018, applications for Individual Construction Stormwater Discharge Permits (INDC) require the applicant to provide notice of application to adjoining property owners at the time of application and certify this on the application form. Specific instructions are provided on the INDC application form, including a link to a template that can be used for this notification.

##### a. Appendix A – Risk Evaluation

Risk evaluation for the project completed in accordance with the directions provided in the Appendix A, entered directly into the eNOI form within ANR Online for Low and Moderate Risk applications.

#### 2. *Location Map*

Map of the project location uploaded in Adobe PDF format to the ANR Online system. The location map shall be in the form of a topographic map, or aerial image, extending one mile beyond the property boundaries of the activity, providing:

- a. Sufficient information to determine the location of the project and the receiving water; and
- b. As applicable for an existing facility, the location of:
  - i. The facility and each of its intake and discharge structures;
  - ii. Hazardous waste treatment, storage, or disposal facilities;
  - iii. Wells where fluids from the facility are injected underground; and

- iv. Wells, springs, other surface waters, and drinking water wells listed in public records or otherwise known to the applicant in the map area

The Agency's Natural Resource Atlas tool may be used to prepare project Location Map.

**3. *Soils Evaluation Tool***

The Soils Evaluation Tool is available in Microsoft (MS) Excel workbook format (submitted by PDF). This allows both the Stormwater Program and the public (during notice of application), with an opportunity to review details specific to the completed risk evaluation in consideration of soil disturbance, and related depth-weighted soil erodibility. It's important that designers may find this calculation may differ from the soil erodibility mapped via NRCS Web Soil survey which considers the surface layer of the soil, so in consideration of a depth-weighted average as required, there may be some variation from information gathered strictly specific to the upper most soil horizon.

**4. *Site Plan or Site Drawing (for Low Risk projects only)***

Map or plan drawn to scale and uploaded as a single Adobe PDF attachment to the ANR Online system, depicting the relevant information, including property boundaries, limits of disturbance, vegetated buffers, and all surface waters.

**5. *EPSC Plan (for Moderate Risk projects and projects that require an Individual Construction Stormwater Discharge Permit only)***

EPSC Plan uploaded as a single Adobe PDF attachment to the ANR Online system. If file limitations do not allow as a single attachment, multiple attachments may be allowable and should be named EPSC Plan 1, EPSC Plan 2, EPSC Plan 3, etc. , recognizing that this filing naming for upload will differ from plan-specific information to be listed in the Plan Set Reference Form as outlined below. The EPSC Plan for Moderate Risk projects and for projects subject to an Individual Construction Stormwater Discharge Permit shall be developed in accordance with Appendix B of Construction General Permit 3-9020, as applicable, and The Vermont Standards and Specifications for Erosion Prevention and Sediment Control.

**6. *Plan Set Reference Form (for Moderate Risk projects and projects that require an Individual Construction Stormwater Discharge Permit only)***

This form, uploaded as a single Adobe PDF attachment, must be completed to provide a complete list of all plans applicable to the stormwater management design and EPSC Plan that is included with the application. If plans are revised during the review process this form will need to be revised with the final set of application EPSC Plans, dated, and inclusive of revision dates, if applicable.

List the plans using the following format: Sheet [##], “[Sheet Title]”, dated [mm/dd/yyyy], last revised [mm/dd/yyyy]; (e.g. Sheet 1, “Existing Condition Plan”, dated 01/15/2019, last revised 02/06/2020.

## 1.2 Permit Application Correspondence and Revisions

Submission of permit-application related correspondence (e.g. response to administrative or technical review comments, plan changes, application material revisions) shall be provided via email following the initial submittal of the application.

If revisions to original application materials are requested by the Stormwater Program, the applicant shall re-submit a complete attachment with the response to comments. For example, if an EPSC Plan sheet needs to be revised, then the entire EPSC Plans attachment should be resubmitted and named as such “2020-5-22 EPSC Plans”. In certain cases that involve large file sizes, the Stormwater Program may consider allowing single sheets to be revised without resubmittal of the entire attachment. It is advised that you consult with Program district staff in this situation to review available options for resubmittal.

In the response to comments, correspondence shall include a description of the location of any changes to the revised complete attachment (i.e. “Winter Construction requirements inserted on Sheet E-6”)

## 1.3 Correspondence and Reporting for Issued Permits/Authorizations

### Addition of Co-Permittees

A Notice of Addition of Owners or Operators (or generally, “Co-Permittees”) for coverage under Stormwater Discharge Permit shall be completed **AFTER** a permit has been issued to add site operators or additional landowners as co-permittees to the permit. Currently only one entity may sign the ANR Online eNOI form as a permittee at the time of submittal, though existing capabilities to this system may be upgraded in the future. At least one site operator must be added as a co-permittee prior to commencement of construction activities, IF the landowner is not the Operator. Notice of Addition of Co-Permittee forms shall be submitted electronically via ANR Online. A link to the form is available on the Stormwater Program’s Construction Stormwater Discharge Permits site:

<https://dec.vermont.gov/watershed/stormwater/permit-information-applications-fees/stormwater-construction-discharge-permits>.

For ANR Online user account setup click the following link: <https://anronline.vermont.gov/>. Please contact Megan McIntyre in the Watershed Management Division’s Business and Operational and Support Services Program if you have any questions regarding submittal of forms via ANR Online. Megan McIntyre may be reached at [megan.mcintyre@vermont.gov](mailto:megan.mcintyre@vermont.gov) or 802-490-6110. If you have questions or issues related to ANR Online, please contact our online support staff at [anr.onlineservices@vermont.gov](mailto:anr.onlineservices@vermont.gov).

In addition, applications through the ANR Online portal will require that additional requests for co-permittee, whether Landowner or Operator submit the request in accordance with [US EPA’s Cross-Media Electronic Reporting Rule](#) as set forth in Vermont’s NPDES delegated permit authority. It is



therefore strongly advised that design consultants engage early on with their clients, on the requirements for establishing this identity identification protocol, including a [Subscriber Agreement](#) in ANR Online early on in the process in advance of application submittal.

## **Transfers**

A transfer of an authorization to discharge may occur only in connection with the transfer of the entire construction site to a new Landowner. Expired authorizations are not transferrable. Notice of Transfer of Authorization to Discharge forms shall be submitted electronically via ANR Online no later than 30 days after the transfer and shall include all information specified in Section 7.2 of the 2020 Construction General Permit. .

Portions of a construction site may be transferred to a new Landowner prior to completion of all soil disturbing activities and final stabilization. The new Landowner must either (1) file a Notice of Addition of Co-Permittee form with the Stormwater Program, or (2) must obtain separate permit coverage under the CGP or an individual permit for the transferred portion of the site, and coverage for that same portion of the site must be terminated by the original permittee by filing a Notice of Termination for Portions of an On-Going Site form via email to the Stormwater Program, District staff member.

## **Notices of Termination**

A Notice of Termination (NOT) may be submitted for a portion of an on-going construction site or for an entire construction site, if at least one of the conditions specific to each type of termination is met. Refer to the 2020 Construction General Permit, Sections 7.4 and 7.5 for these conditions. Notices of Termination are available now for both Low and Moderate Risk authorizations and for projects requiring an Individual Construction Stormwater Discharge Permit.

## **Additional Forms, Reports, and Notices**

Currently all forms for issued authorizations **other than** the Notice of Addition of Co-Permittee and Notice of Transfer forms are available as PDFs on the Program's Construction Stormwater Discharge Permits website. These forms shall be submitted via email to Stormwater Program District Staff.

## **General Correspondence**

All general correspondence related to a previously issued permit should be directed to Stormwater Program District staff via email. A Stormwater Program District Staff directory can be found here: <http://dec.vermont.gov/watershed/stormwater/contacts>

For additional stormwater permitting information, please visit the Stormwater Program website: <http://dec.vermont.gov/watershed/stormwater>

## Part 2: NOI / Application

### Applicant(s)

Applications through the ANR Online portal will require that the primary Landowner and Operator (if known at the time of application) submit the application in accordance with [US EPA's Cross-Media Electronic Reporting Rule](#) as set forth in Vermont's NPDES delegated permit authority. It is therefore strongly advised that design consultants engage early on with their clients, on the requirements for establishing this identity identification protocol, including a [Subscriber Agreement](#) in ANR Online early on in the process in advance of application submittal. For detailed application submittal requirements, please see the Application Requirements for Construction Stormwater Discharge Permits in this document.

ANR Online submittal for Low and Moderate Risk construction activity will only allow for a single Landowner at the time of application and all other Landowner(s) or Operators must submit a Notice of Addition of Co-Permittee following authorization issuance. Similarly, any additional Notice of Additions of Co-Permittee would be completed in the same manner through ANR Online. Application forms for Individual Construction Stormwater Discharge Permits is also through ANR Online, however the application is completed as a fillable Adobe PDF document and uploaded.

The applicant(s) shall be the Landowner(s) and the Operator(s). In the case of a municipal, state, or regional transportation or utility project crossing one or more properties, the applicant(s) shall be the municipal, state, or regional transportation or utility authority that controls the project site by ownership, easement, right-of-way, or legal access agreement. For purposes of this permit, "operator" means all parties associated with the construction activity, including sub-contractors, that meet either of the following two criteria:

1. The party has operational control over construction plans and specifications including the ability to make modifications to those plans and specifications; or
2. The party has continuous day-to-day operational control of those activities at a project that are necessary to ensure compliance with the Low Risk Site Handbook for Erosion Prevention and Sediment Control and other permit conditions.

### Project Name

The project name will appear on the Notice of Authorization that will be posted for public viewing and shall provide a unique identifier to assist the public in distinguishing it from other projects. While a project name given as "Proposed Site Improvements" is not acceptable, providing the name, address, or a general location of the site with that descriptor is sufficient: "Smith Hill Road Creamery Proposed Site Improvements."

### Description of Construction Activities to be Permitted

The description of construction activities to be permitted for the project will appear on the Notice of Authorization that must be posted at a location visible to the public following issuance of a permit. While it may be brief, the project description shall provide enough detail to enable the public to understand the nature of the activities that are covered by the authorization. It shall include a description of the types of earth-disturbing activities that will be necessary for the project (clearing, grading,

excavating, or other) and of the infrastructure that will be constructed. The approximate size and purpose of the proposed infrastructure shall be included as applicable (ex. “15,000 square foot building that will contain a retail tool supply store”).

## **Receiving Waters**

The receiving water is the name of the water of the State that stormwater runoff from the site first enters. If the receiving water does not have a name, use the designation of "unnamed tributary to the X," where X is the first named waterbody. “Waters” means all rivers, streams, creeks, brooks, reservoirs, ponds, lakes, springs, and all bodies of surface waters, artificial or natural, which are contained within, flow through, or border upon the state of Vermont or any portion of it. If the receiving water is a wetland, be specific as to the wetland's relationship to other waters. For instance: 1) Wetland tributary to X; or 2) Wetland draining into X. In situations where all stormwater is discharged to groundwater (infiltrated), the receiving water is "groundwater within the X watershed." In the instance that the site discharges to groundwater, but some overflow is expected via surface runoff into a Water of the State, the receiving water is "groundwater with overflow to X."

## **Project Risk Category**

Construction activity risk is determined through the completion of CGP 3-9020, Appendix A – Risk Evaluation, which may be done initially in advance of permit application by referencing CGP 3-9020. At time of application, this evaluation is completed using the eNOI within ANR Online AND the Soils Evaluation Tool, to be uploaded as PDF as part of application submittal.

## **Latitude and Longitude**

This is the location in Decimal Degrees (including at least the first five digits after the decimal point) format for the project location. The latitude and longitude must be accurate for the location of the project. The ANR Online submittal portal allows applicants to click on the location of their project on the map. This should be the approximate center of the proposed construction activity.

## **SPAN (School Property Account Number)**

All property in Vermont is issued a School Property Account Number (SPAN), which is printed on the property tax bill. If SPANs have not been identified yet, such as in the case of a proposed subdivision of a parcel, and the municipality has not provided yet, applicants may list the SPAN(s) applicable to the existing parcel(s) or complete the SPAN using all zero digits. Public Transportation Projects may identify that no SPAN is applicable within the eNOI. The Department may request to update application record once a SPAN becomes available, if no SPAN was available at the time of application.

## **Common Plan of Development**

Per Appendix C of CGP 3-9020 common plan of development means a development that is completed in phases or stages when such phases or stages share a common state or local permit related to the regulation of land use, the discharge of wastewater or a discharge to surface waters or groundwater, or a development designed with shared common infrastructure. Common plans include subdivisions, industrial and commercial parks, university and other campuses, and ski areas. Construction activities or portions of construction activities that have achieved final stabilization as of September 13, 2006 (effective date of previously issued Construction General Permit 3-9020 (2006)) shall not be considered for purposes of determining what constitutes disturbance under a common plan of development that

requires coverage under this permit. Following completion of the common plan components on a parcel of land, any additional development of the parcel shall be considered as separate from the original common plan for the purposes of evaluating whether one or more acres of earth will be disturbed.

### **Previously Issued or Pending Stormwater Discharge Permits**

If a project has previously issued construction, operational, or industrial (Multi-Sector General Permit, i.e. MSGP) stormwater discharge permits, the most recent permit number must be specified on the eNOI. Any pending stormwater discharge permit application numbers must also be specified at the time of applications if the pending permit number is known. If the pending permit number is unknown, please enter “pending [permit type].”

### **Total Area of Disturbance**

The total area of disturbance for the project, in acres, must be provided as a whole number without inequality symbols (“<” and “>.”) The total area of disturbance is the total of all areas on the project site that will be disturbed for construction, rather than the maximum area that will be disturbed at any one time. All areas of a project site and associated support activities where earth disturbance may occur must be included in the total area of disturbance unless areas of the project site are physically demarcated and excluded from construction access. Please ensure that the total area of disturbance identified at the time of application and submittal of the eNOI / Application Form matches the total noted on the EPSC Plan and does not conflict with the Appendix A – Risk Evaluation answers for the project.

Earth Disturbance: In addition to clearing, grading, and soil excavating activities, exposed soil and loss of vegetation resulting from vehicular access, concentrated work areas, staging activities, or other construction-related work resulting in soil being exposed to the elements is “earth disturbance.” When determining the total area of earth disturbance for a project, all areas of a project site or that are part of associated support activities, where there is a possibility of disturbance occurring, must be included in the total earth disturbance determination unless areas are physically demarcated and excluded from construction access. Disturbance within self-contained excavations with no outlet, and with a depth of 2 feet or greater, is exempt from soil stabilization requirements but is not exempt from calculations of the total area of earth disturbance for a project.

Independent Project: Phases of projects may be permitted under separate eNOIs provided that each project phase is constructed independently. Project phases are independent if either of the three criteria in Section 1.7 of the General Permit 3-9020 applies. If none of the three criteria apply to the phases a single eNOI must be submitted for the project that is inclusive of each phase.

### **Estimated Date of Construction Commencement**

The date entered in the permit application is intended to be an estimate only, and will not affect issued permit term, which for construction stormwater discharge permits is 5 years. Construction, however, may not commence until an authorization/permit is received from the Department.

## **Estimated Date of Construction Completion / Site at Final Stabilization**

The date entered in the permit application is intended to be an estimate only, and will not affect issued permit term, which for construction stormwater discharge permits is 5 years. Applicants may indicate a date beyond the anticipated permit term but must be aware that permittees are required to reapply prior to expiration for continued permit coverage, if construction activity is anticipated to continue beyond the 5-year permit term. Final stabilization means that:

1. All soil disturbing activities at the site have been completed and either of the two following criteria are met:
  - a. a uniform (e.g., evenly distributed, without large bare areas) perennial vegetative cover with a density of 70 percent of the native background vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures, or
  - b. equivalent final stabilization measures (such as pavement, cement, gravel, riprap, gabions, or geotextiles) have been employed.
2. When background native vegetation covers less than 100 percent of the ground (e.g., arid areas, beaches), the 70 percent coverage criterion is determined based on the percentage of background native vegetation. Example: if the native vegetation covers 50 percent of the ground, 70 percent of 50 percent ( $0.70 \times 0.50 = 0.35$ ) would require 35 percent total cover for final stabilization. On a beach with no natural vegetation, no stabilization is required.

## **Existing Impervious Surfaces at the Project Site**

Impervious surfaces means those manmade surfaces, including paved and unpaved roads, roofs, driveways, and walkways, for which precipitation runs off rather than infiltrates. The definition of site is generally inclusive of all areas of earth disturbance seeking permit coverage and therefore for purposes of this calculation, designers may opt to identify this portion of the site and also included existing impervious surfaces associated with the project, including prior phases or development. Applicants may contact Stormwater Program District staff if necessary, in identification of existing and proposed impervious surfaces at the project site.

## **Increases in Impervious Surface Area as a Result of the Project**

As noted above, impervious surfaces means those manmade surfaces, including paved and unpaved roads, roofs, driveways, and walkways, for which precipitation runs off rather than infiltrates. While these surfaces are not regulated under construction stormwater discharge permitting, it is required to identify any proposed increases as a result of the project. This shall not include temporary impervious surfaces as defined in the Stormwater Permitting Rule, associated with construction that will be restored to a pervious surface.

## **Estimated Volumetric Runoff Coefficient ( $R_v$ ) for the Site *after* Construction Completion**

Example calculation provided below:

Estimated Volumetric Runoff coefficient ( $R_v$ ) is calculated as follows:

$$R_v = [0.05 + 0.009 (I)]$$

*Where (I) is equal to site imperviousness expressed as a whole number percent (%). Impervious areas include the measured aerial footprint of all surfaces such as buildings/rooftops, paved and/or graveled surfaces, sidewalk etc. for which stormwater runs off rather than infiltrates. Site Area (A) shall include the entire parcel/tract of land to be developed, included areas that will not be disturbed during construction.*

**Example:**

Total Site Area (A) in (acres) = 7.00 acres

Total Site Impervious after construction in (acres) = 2.50 acres

% Impervious (I) = 2.50 acres / 7.00 acres = 0.36, when expressed as a whole number percent (%) = 36 percent (%).

When the calculated percent (%) impervious value is considered in the volumetric runoff coefficient ( $R_v$ ) calculation, the resulting value is as follows:

$$R_v = [0.05 + 0.009 (I)]$$

$$R_v = [0.05 + 0.009 (36)]$$

$$R_v = [0.05 + 0.32]$$

$$R_v = 0.37$$

### **Fill Material Expected to be Utilized for Construction**

This should include fill material that may be imported from off-site sources, as opposed to cut/fill activity on site.

### **Type and Nature of Soil that will be Disturbed on Site**

This may be a general description of existing soils, such as sandy or clay soils, previously disturbed or logged forest cover, or description of existing agricultural use may be included in this description.

### **Quality of Existing Stormwater Discharges on Site**

This may be a general description of existing stormwater runoff patterns, or an existing conveyance for stormwater, including infrastructure such as pipes and other closed drainage systems or open conveyance such as ditches or swales. Identification of any known discharge points to surface waters or wetlands may also be noted.

### **Additional Municipal Stormwater Requirements Applicable During Construction**

If necessary, contact your municipality to determine whether other requirements are applicable during construction.

### **Additional Municipal Stormwater Requirements Applicable Post-Construction**

If necessary, contact your municipality to determine whether other requirements are applicable post-construction.

## **Other Post-Construction Stormwater Treatment or Control Measures Proposed, Not Otherwise Identified**

This may include voluntary measures that are part of the project design to address stormwater treatment and/or control, otherwise not identified above.

## **Project Stormwater Discharges to Groundwater via Infiltration Basin or Similar Practice**

This would not include stormwater disconnected over vegetated surfaces but structural practices such as an infiltration basin, infiltrating rain garden/bioretention system, or subsurface infiltration chambers/beds.

## **Proposed Stormwater Discharges to Groundwater Located within Zone 1 or Zone 2 of a Public Groundwater Source Protection Area (SPA)**

The Vermont Natural Resources Atlas found on the Agency of Natural Resources website provides this information and is currently found under the Drinking Water and Groundwater Protection layer in the Atlas. Source Protection Areas (SPA) may include both groundwater and surface water source protections, and this question is specific to Groundwater Source Protection Areas (SPA) only.

## **Is the Proposed Stormwater Discharges to Groundwater Located within a Groundwater Protection Overlay District Established by a Municipality Pursuant to 24 V.S.A. S 4414(2)**

The Vermont Natural Resources Atlas found on the Agency of Natural Resources website DOES NOT provide this information and applicants must contact a municipality directly to determine if there has been a municipal Groundwater Protection Overlay District established in the project location.

## **Part 3: Location Map**

The location map shall be in the form of a topographic map; an aerial image is also acceptable if a topographic map is unavailable. The map must extend one mile beyond the boundaries of the property where construction activities are proposed and must provide sufficient information to determine the location of the project and the receiving water; and as applicable for an existing facility, the location of:

- i. The facility and each of its intake and discharge structures;
- ii. Hazardous waste treatment, storage, or disposal facilities;
- iii. Wells where fluids from the facility are injected underground; and
- iv. Wells, springs, other surface waters, and drinking water wells listed in public records or otherwise known to the applicant in the map area.

The Agency's Vermont Natural Resource Atlas tool may be used to prepare the project Location Map.

## **Part 4: Soils Evaluation Tool**

A completed Soils Evaluation Tool, in Microsoft (MS) Excel workbook format must be submitted as a PDF for each project requiring a discharge permit for stormwater runoff from construction

activities. This is in addition to the ANR Online eNOI questions for Low and Moderate Risk construction activity, and to accompany all applications submitted for individual construction stormwater discharge permits. This document allows the public to view the completed Risk Evaluation and the applicant to calculate their erodibility rating in consideration of a depth-weighted average as required. This tool and the ANR Online eNOI submission will determine if the project is eligible for coverage under the Construction General Permit, and if so whether the project qualifies as Low Risk or Moderate Risk construction activity or otherwise requires an individual construction stormwater discharge permit. Please ensure that the answers provided for the Soils Evaluation Tool questionnaire are consistent with information provided in other application attachments and the eNOI or individual construction stormwater discharge permit application form.

## **Part 5: Map or Plan Drawn to Scale (Low Risk); or Erosion Prevention and Sediment Control (EPSC) Plan (Moderate Risk and Individual Permit Applications)**

### **Low Risk Construction Activity**

A map or plan drawn to scale, depicting property boundaries, proposed limits of earth disturbance, proposed vegetated buffers used in determining the risk score of the project, all waters of the State.

### **Moderate Risk Construction Activity and Individual Permit Applications**

A site-specific EPSC Plan must be submitted for all Moderate Risk projects and all projects requiring an Individual Stormwater Construction Discharge permit. All plan sheets shall be compiled into a single separate pdf called “EPSC Plan.” EPSC Plans and Maps shall be drawn at an appropriate scale to clearly depict the EPSC design and details. The EPSC Plan shall include the minimum required elements identified in Appendix B of the Construction General Permit 3-9020 and Part 3 of the Vermont Standards and Specifications for Erosion Prevention and Sediment Control (2020). These elements must be organized into five components:

- 1) Project Description
- 2) Location Map
- 3) Pre-Construction Plan
- 4) Construction Plan
- 5) Stabilization Plan

Multiple plan sheets will be required for most applications to convey this information at the appropriate scale and level of clarity. In some instances, certain components may be combined as appropriate, dependent on size and scope of project, but the expected sequencing of EPSC measures to be implemented for the Pre-Construction Plan, Construction Plan, and Stabilization Plan must be clearly presented rather than mixing requirements for each component together into a single plan. An exception is made for linear projects such as roads, pipelines, and utility installations. The Pre-Construction Plan, Construction Plan, and Stabilization Plan for linear projects may be combined into one plan.



The number of plan sheets, sheet titles, sheet letters/numbers, and dates of submitted plan sheets in the Plan Set Reference attachment must match that of the plan set attachment included with the application. Project plan sheets that exclusively contain information unrelated to erosion prevention and sediment control (ex. utilities, lighting, other civil engineering details unrelated to management of stormwater runoff) shall not be included in the EPSC Plan attachment. This unrelated content may be included in the submitted attachment on a limited basis if it is on the same plan sheet as erosion prevention and sediment control information that is relevant to the permit requirements.

References or directives to comply with *The Low Risk Site Handbook for Erosion Prevention and Sediment Control* or to permit requirements specific to Low Risk construction activity shall not be included in the EPSC Plan.

## 5.1 EPSC Plan Guidance

EPSC Plans shall be developed in accordance with the requirements of Construction General Permit 3-9020, Appendix B and *The Vermont Standards and Specifications for Erosion Prevention and Sediment Control*.

All site-specific EPSC plans must include, where applicable:

1. Legend
  2. Scale bar
  3. Compass/North arrow
  4. Site boundary and limits of disturbance
  5. Labeled discharge points and points of interest (as applicable)
  6. Labeled locations of all proposed EPSC practices
  7. Labeled locations of surface waters and existing drainage conveyance or stormwater treatment features that are within the project boundaries or that will receive stormwater runoff from the project, with direction of stormwater flow indicated (as applicable)
  8. Delineation of phased work activities and project areas to minimize the total area and duration of exposed soil (as applicable)
  9. Dated plans including current revision dates (as applicable)
- **Preconstruction Plan:** Depict the limits of the construction site and the limits of earth disturbance (including the methods of demarcation), existing contours of the construction site and the surrounding area 300 feet outside of the limits of disturbance, existing vegetation and impervious surfaces (as applicable), existing surface water and drainage features (including off-site areas that drain through the project area and existing storm drain inlets), buffers or setbacks from water bodies and conveyances to water bodies (with directions for avoiding impacts in these areas), other areas of existing vegetation to be marked off and preserved (including methods of in-field demarcation with barriers), locations of soil types, and geologic features (rock outcrops, seeps, etc., as applicable). The locations of all sediment control measures to be installed prior to initiating primary earth disturbance activities must be shown, with directions for installation ahead of the earth disturbance. These practices may include, but are not limited to, silt fences, diversion berms, check dams, grass channels, or sediment basins. If operational stormwater treatment practices are proposed directions must be provided to complete stabilization of these practices before directing runoff to them. This is particularly important if

the proposed treatment practice infiltrates stormwater. If the treatment practices are utilized during construction as sediment control measures, directions must be provided to modify and stabilize them (as necessary) prior to completion of construction, such that the treatment practices will meet all requirements for treatment and control of post-construction stormwater runoff. All EPSC measures and other features shall be included in a legend.

- **Construction Plan:** Depict property lines of the project, the limits of the construction site and limits of earth disturbance (provide the total acreage consistent with the total area of disturbance specified in the completed eNOI), existing and proposed contours, buffers or setbacks from water bodies and conveyances to water bodies (with directions for avoiding impacts in these areas that are consistent with the completed Appendix A – Risk Evaluation), and locations of all existing and proposed structures (roads, utilities, buildings, drainage inlets). If construction activity will be phased, the proposed phase boundaries and sequencing of EPSC measures within each phase, the order of phases to be constructed, and required actions that must be completed prior to initiating earth-disturbing work for a subsequent phase must be shown. If earth disturbance at any one time has been given a specified limit on the Appendix A, directions for limiting concurrent disturbance consistent with that limit must be provided. Locations of all erosion prevention measures and sediment control measures must be shown, including measures implemented in the pre-construction phase. Consistent with the completed Appendix A, directions for stabilization of a given area within 14 days following initial disturbance must be provided (or a period exceeding 14 days if the application is for Individual Discharge Permit coverage), including the directive that once this time period has passed, the disturbed area must be temporarily or permanently stabilized in advance of any event producing runoff. If construction activities are planned or expected to potentially occur during the winter construction period (October 15 through April 15), the EPSC Plan must identify erosion prevention and sediment control measures specific to the winter season that are consistent with the Vermont Standards and Specifications for Erosion Prevention and Sediment Control, Section 3.3. If all applicable winter EPSC measures listed in Section 3.3 are not identified in the EPSC Plan at the time of application, and the permittee subsequently plans to undertake construction activities during the winter season, the EPSC Plan must be amended and resubmitted to the Stormwater Program for approval prior to any construction activities being performed during the winter construction period. If dewatering activities are anticipated, the location of dewatering discharges must be shown. Locations of proposed staging and stockpile areas must be shown, including directions for stabilizing stockpile areas. Directions for inspections, including inspection frequency, that are consistent with the requirements specific to the permit, shall be provided. All EPSC measures and other features shall be included in a legend.
- **Construction Details:** As part of the Construction Plan, a detail drawing and specification must be provided for each EPSC practice proposed for the project, with all applicable notes regarding installation and maintenance of the practice. Details may be included on separate plan sheets, as necessary. Practice details must conform to the technical standards and specifications in Parts 4 and 5 of the 2020 Vermont DEC Standards and Specifications for Erosion Prevention and Sediment Control. The use of alternate standards or specifications, proprietary practices, or of practice components or materials, including those in the Vermont Department of Transportation Standard Specifications for Construction, is subject to review and may be approved on a case-by-case basis.

- **Stabilization Plan:** Depict property lines of the project, final grade contours, locations of all existing and proposed structures, temporary and final stabilization measures required for all areas of disturbance, and specifications for areas to be stabilized with vegetation (including seed mixes, fertilization, and other soil amendments). For areas where final stabilization is not scheduled to occur prior to the winter construction period directions must be provided to complete seeding after April 15 and before September 15. Directions must be provided to removal all temporary EPSC practices within 30 days of achieving final stabilization. Inspection frequency consistent with the permit must be specified, including an indication of when inspections may be discontinued. All EPSC measures and other features shall be included in a legend.
- **Other Plan Sheets:** Other plan sheets may be included if they are applicable to stormwater management and/or erosion prevention and sediment control.

## Appendices

### **Appendix 1: Amendments to Existing Stormwater Construction Discharge Permits and Applications to Reauthorize Construction Activity Prior to, or After Permit Expiration.**

Permitted Low Risk and Moderate Risk Projects for which changes are proposed may require a permit amendment, a new application submittal, or a new Individual Construction Stormwater Discharge Permit. Refer to Section 5.1 of the General Permit 3-9020 for project changes that would require a permittee to obtain an amendment to its existing authorization or an Individual Construction Stormwater Discharge Permit. Section 5.2 describes project changes that would not require an amendment to an existing authorization and permittees must review an existing Individual Construction Stormwater Discharge Permit issued for project construction activity on any specific conditions that govern project changes and permitting requirements. Note: Applications to reauthorize construction activities due to an expired or expiring permit, are not considered amendments or renewals, and must submit a new application for permit coverage, either under the 2020 CGP or an individual construction stormwater discharge permit, if applicable. Furthermore, authorizations/permits issued prior to May 19, 2020 may not be amended under the former CGP, and will be required to obtain coverage under the new CGP or individual construction stormwater discharge permit.

The application formatting and submittal requirements for an amendment of a permit authorization are the same as would be applicable for a new application. If the Appendix A overall risk score increases due to a project change such that the risk category changes, the application requirements specific to the new risk category apply. Depending on the type or nature of the changes, all permit application materials may need to be updated even if the overall risk category does not change.

The first project change listed in Section 5.2 is the use of interchangeable practices found in the *Low Risk Site Handbook for Erosion Prevention and Sediment Control* or in *The Vermont Standards and Specifications for Erosion Prevention and Sediment Control*.

Interchangeable Practice: An EPSC practice is interchangeable with another practice if it is described as having the same general functional use. The Planning Flow Charts on pages 14-16 of *The Vermont Standards and Specifications for Erosion Prevention and Sediment Control* may be used as a guide to select an interchangeable practice that may be more practical, efficient, adaptable, or economical to the site than the permitted practice, or the Stormwater Program district technical analyst may be contacted for guidance. When practices specified in the approved plans are replaced with an interchangeable practice the on-site EPSC Plan must be updated with the new practice but an amendment to the permit is not required. Replacement of a permitted practice with a non-interchangeable practice requires amendment of the issued permit. The Low Risk Handbook for Erosion Prevention and Sediment Control also includes practices that serve the same purpose and accomplish the prevention and control for a given requirement as set forth in the handbook.

## Appendix 2: ANR Online Instructions for Construction Stormwater Permit Application and Form Submittals; and US. EPA’s Cross Media Electronic Reporting Regulation (CROMERR) Compliance for Application Submittal

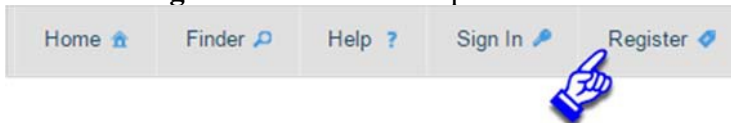
The following instructions should help you through the process of submitting Construction Stormwater Permit applications and required forms. The online submittal system, ANR Online, can be accessed at <https://anronline.vermont.gov>.

If you have any questions related to completing the compliance forms, please contact the Stormwater Program at [anr.wsmdstormwatergeneral@vermont.gov](mailto:anr.wsmdstormwatergeneral@vermont.gov) or 802-490-6110. If you have questions or issues related to the ANR Online system, please contact the ANR Online support staff at [ANR.OnlineServices@vermont.gov](mailto:ANR.OnlineServices@vermont.gov).

### Creating a User Account

In order to access forms in ANR Online (<https://anronline.vermont.gov>), you need to have an account in the website. The first time you use ANR Online you will need to register to create an account. Follow these steps to create an account:

1. Click the **Register** button in the top menu bar.



2. The **Create User Profile** page will open, complete the user profile form. Fields marked with a red asterisk \* are required. After entering your mailing address, click the **Validate Address** button and then click the **Save** button. If the address validation fails you can still click the **Save** button to create your account.
3. Once you save your User Profile, the system will send you an email that includes a link. You need to click that link to activate your account. If after a few minutes you have not received the email, check your junk mail folder. If the message is not there, contact the ANR Online Administrator at [ANR.OnlineServices@vermont.gov](mailto:ANR.OnlineServices@vermont.gov).

### Signing In

Once you have activated your account you can Sign In. To sign in to ANR Online:

1. Click the **Sign In** button in the top menu bar.



2. In the Sign In window, enter your User ID (this is your account email address) and your password (the password you entered when creating your account) and click the OK button.

## **Subscriber Agreement**

This is required for all applicants. A link to this form in ANR Online is found [here](#).

[https://anronline.vermont.gov/?formtag=AID\\_SA](https://anronline.vermont.gov/?formtag=AID_SA)

## **Sharing Access to Submissions**

### **Overview**

ANR Online has a feature that allows submissions to be shared among users. Access can be shared while submissions are being drafted or after they have been submitted. Some reasons for sharing access to submissions, include:

- So multiple individuals can contribute to filling out an application/report;
- If one person is preparing the application/report, but another person needs to review and submit it;
- If one person is submitting an application, but another person needs to pay the fee online.

The person(s) you want to share access with **MUST** have an ANR Online account at the time you share the submission. When you share access to a submission it applies to only that submission. It does not give the person access to all of your submissions or even other submissions of the same type. Each time you want to share a submission you will need to go through this process.

Information related to Sharing Submissions is also provided via the [ANR Online construction stormwater permitting eNOI landing page](#):

[https://anronline.vermont.gov/app/#/formversion/fb2e5d13-8a15-49c1-958c-5bb057fdab1d?formtag=SW\\_CGP\\_NOI](https://anronline.vermont.gov/app/#/formversion/fb2e5d13-8a15-49c1-958c-5bb057fdab1d?formtag=SW_CGP_NOI)