

**VERMONT AGENCY OF NATURAL RESOURCES
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
WATERSHED MANAGEMENT DIVISION
1 NATIONAL LIFE DRIVE, DAVIS 3
MONTPELIER, VERMONT 05620-3522**

FACT SHEET

**REISSUANCE AND AMENDMENT OF GENERAL PERMIT 3-9020 FOR
STORMWATER RUNOFF ASSOCIATED WITH CONSTRUCTION SITES**

DRAFT GENERAL PERMIT 3-9020 (2025)

I. Background

The Secretary of the Vermont Agency of Natural Resources (Secretary) is proposing to issue a general permit for stormwater runoff from construction sites. The draft permit is referred to as Construction General Permit (CGP) 3-9020 (2025).

This general permit amends and replaces the 2020 Construction General Permit (CGP) 3-9020. Coverage is required under General Permit 3-9020 (2019), as amended February 2013, for discharge of stormwater runoff from construction activities involving one (1) or more acres of earth disturbance, including construction activities when the disturbance is less than one acre, but is part of a larger “common plan of development”, if the common plan will ultimately result in the disturbance of one or more acres. The general permit authorizes permittees to discharge stormwater runoff from construction activities provided the project is in compliance with the requirements of the general permit.

The Secretary proposes to reissue the construction general permit, General Permit 3-9020 (2025), with applicability and changes as described in this Fact Sheet. In addition to the changes noted in this Fact Sheet, the new general permit also incorporates minor corrections, clarifications, and format changes that do not alter the terms and conditions of the most recent general permit.

II. General Permit Authority

The draft General Permit 3-9020 (2025) is proposed for issuance pursuant to the Vermont Water Pollution Control Statute, 10 V.S.A. Chapter 47, specifically §§ 1258 and 1264 and the rules adopted thereunder; the Vermont Water Pollution Control Permit Regulations (Environmental Protection Rules, Chapter 13), the federal Clean Water Act (CWA), as amended, 33 U.S.C. § 1251 *et seq.*; and related regulations of the United States Environmental Protection Agency (U.S. EPA) at 40 C.F.R. Part 122. Additionally, the Vermont Stormwater Permitting Rule (amendment of Environmental Protection Rules, Chapter 22), effective March 15, 2019.

III. Purpose of the General Permit

The Construction General Permit is the State of Vermont's primary regulatory tool for managing discharges of stormwater runoff from construction sites. When vegetation is cleared from a construction site the exposed soils are susceptible to erosion and transport to surface waters, where they can affect water quality. Unmanaged construction sites can contribute sediment and pollutants associated with construction activities to surface waters resulting in impacts to those waters. This permit establishes the controls necessary to minimize the discharge of pollutants to surface waters from construction sites through a risk-based approach that accounts for the relative risk to water quality that a given construction site poses.

IV. Applicability of General Permit

Coverage under the proposed General Permit 3-9020 (2025) must be obtained for:

Construction activities that result in a total earth disturbance of equal to or greater than one acre of land area;

Construction activities that result in a total earth disturbance of less than one acre that are part of a larger "common plan of development" that will ultimately disturb equal to or greater than one acre of land area;

For construction activities that result in a total earth disturbance of less than one acre, the discharge of stormwater designated by the Secretary or EPA Regional Administrator as needing a stormwater permit under the following provisions:

40 C.F.R. § 122.26(a)(9)(i)(C), for a discharge that requires stormwater controls based on wasteload allocations that are part of TMDLs that address the pollutant(s) of concern; or

40 C.F.R. § 122.26(a)(9)(i)(D), for a discharge, or category of discharges within a geographic area, that contributes to a violation of a water quality standard or is a significant contributor of pollutants to waters of the States;

Support activities (such as construction staging areas, material storage areas, excavated material disposal areas and borrow areas) in accordance with Subpart 1.6 of the general permit.

Construction activities or portions of construction activities that have achieved final stabilization as of September 13, 2006, shall not be considered for purposes of determining what constitutes disturbance under a common plan of development that requires coverage under the general permit.

V. Summary of Proposed Changes for General Permit 3-9020 (2025)

The 2025 CGP includes new or modified requirements and organization and thus differs from the 2019 CGP in various ways. The following list summarizes the changes.

1. Re-organization of Table of Contents Parts, font changes and overall formatting changes.
2. Part 1.1 includes “or sale” related to common plan of development and TMDL was spelled out to show “total maximum daily loads”.
3. Part 1.2 includes date changes based on this amendment.
4. Part 1.3 Resilience was added to address climactic effects on stormwater construction sites.
5. Part 1.4 now refers to the Soils Evaluation Tool when required.
6. Part 1.5 has “including compliance with the Vermont Water Quality Standards, this permit” removed to meet updated EPA legal requirements by removing generic references.
7. Part 1.6.G references Vermont Water Quality Standards instead of using the following generic language, “water quality standards”
8. Part 1.6.I Replaces “Program” with “Rule”
9. Part 1.6.J was added to address projects that improve habitats, increase flood resilience and improve water quality etc. as being exempt from authorization.
10. 1.6.K further defines what constitutes “an appropriate control”.
11. 1.7.B.1. includes “or” to address a typo from the previous CGP.
12. Part 1.8 includes “or sale” related to common plan of development.
13. Part 2 now focuses on Low-Risk stormwater construction activities only.
14. Part 2.1.1.B simplifies Notice of Intent to just NOI and includes reference to the Vermont Application Requirements for Construction Permits for further specific details.
15. Part 2.1.1.B.2 now includes “included in the NOI”
16. Part 2.1.1.B.3 was added to clarify when the soils evaluation tool is required.
17. Part 2.1.1.B.4 now removes “if a topographic map is unavailable” and includes “facility or” and “surrounding surface waters”.
18. Part 2.1.1.B now includes part 6 “a copy of the Site Drawing prepared in accordance with APPENDIX B of this permit; and”.
19. Part 2.1.2. simplifies Notice of Intent to just NOI
20. Part 2.2. now includes a brief description of what the Part contains.
21. Part 2.2.1. simplified “erosion prevention and sediment control” to “EPSC”.
22. Part 2.2.2.C now includes “and immediately before any stormwater runoff producing event”.
23. Part 2.2.2.I.1.b now includes “Dewatering Reports prepared pursuant to Subpart 2.2.4.B;”
24. Part 2.2.4 Dewatering Inspection, Corrective Action and Sampling Requirements was added to address EPAs recent changes in dewatering, inspection and monitoring requirements.
25. Part 2.3 DEC Inspections was added to outline DEC access to construction sites.

26. Part 2.3.1.B further clarifies violation of the Vermont Water Quality Standards by included “as it pertains to the conditions of this permit”.
27. Part 2.3.1.C includes “by the permittee”.
28. Part 2.3.1.D provision was added to clarify how we expect discharges to comply with Vermont Water Quality Standards.
29. Part 3 now focuses on Moderate Risk stormwater construction activities only.
30. Part 3.1.1.2 simplifies “Erosion Prevention and Sediment Control Plan” to “EPSC Plan”
31. Part 3.1.1.B simplifies Notice of Intent to just NOI and now includes reference to the Vermont Application Requirements for Construction Permits for further specific details.
32. Part 3.1.1.B.k abbreviates On-Site Plan Coordinator, “OSPC”
33. Part 3.1.1.B.2 now includes “included in the NOI”
34. Part 3.1.1.B.3 was added to state that a soils evaluation is always required for Moderate Risk projects and includes what the soils evaluation shows.
35. Part 3.1.1.B.4 now removes “if a topographic map is unavailable” and includes “facility or” and “surrounding surface waters”.
36. Part 3.2.B simplifies “Erosion Prevention and Sediment Control” to “EPSC”
37. Part 3.2.C now includes “the APPENDIX B and”, “all sheets and details required by the Vermont Application Requirements for Construction Permits” and removed “the items listed in Appendix B of this permit”.
38. Part 3.3. now includes a brief description of what the Part contains.
39. Part 3.3.1.A abbreviates On-Site Plan Coordinator, “OSPC” and simplifies “Erosion Prevention and Sediment Control” to “EPSC”.
40. Part 3.3.1.B references subparts 3.3.2, 3.3.3, and 3.3.4.
41. Part 3.3.2 now includes “or 3.3.4”.
42. Part 3.3.2.B now includes “immediately before any stormwater runoff producing event,”
43. Part 3.3.2.D abbreviates On-Site Plan Coordinator, “OSPC”
44. Part 3.3.2.F now removes “at a minimum” and includes “but is not limited to:”.
45. Part 3.3.2.H now includes “dewatering Reports prepared pursuant to Subpart 3.3.5.B:”
46. Part 3.3.3. abbreviates On-Site Plan Coordinator, “OSPC”
47. Part 3.3.4 Dewatering Inspection, Corrective Action, and Sampling Requirements have been added to address EPA’s recent changes in dewatering, inspection and monitoring requirements.
48. Part 3.3.5. simplifies “Erosion Prevention and Sediment Control” to “EPSC”.
49. Part 3.3.6. abbreviates On-Site Plan Coordinator, “OSPC”
50. Part 3.4 DEC Inspections was added to outline DEC access to construction sites.
51. Part 3.4.1.B further clarifies violation of the Vermont Water Quality Standards by included “as it pertains to the conditions of this permit”.
52. Part 3.4.1.C includes “by the permittee”.
53. Part 3.4.1.D provision was added to clarify how we expect discharges to comply with Vermont Water Quality Standards.
54. Part 4 is now called “Project Changes”
55. Part 5 replaces the word “Renewals” with “Expiration” because the program has not issued renewal applications since the last CGP revision.

- 56. Part 5.1 replaces the word “expired” with “expiring” and includes “reapply pursuant with subpart 2.1.1.a and either (1) subpart 2.1 for low risk construction activities or (2) subpart 3.1 for moderate risk construction activities.”
- 57. Part 5.5 now includes a requirement to terminate all authorizations whereas previously it was not required but optional. This will help address the backlog of sites that are completed and no longer need an inspection to save time and travel to find this out upon inspection.
- 58. Part 5.6.A spells out “Notice of Termination”.
- 59. Part 6 includes “statutes”.
- 60. Part 7 includes the spelling out of “TMDL” to show “total maximum daily loads” and “erosion prevention and sediment control” was abbreviated to “EPSC”.
- 61. Part 10: removes the word “renewal”.
- 62. Appendix A was revised to remove repetitive requirements and includes “an applicant shall prepare and submit a complete and accurate Notice of Intent (NOI) and all necessary attachments”
- 63. Appendix A – Part II, Criterion G was revised to include, “a phasing plan is required when used as a mitigation factor.”
- 64. Appendix B was revised to introduce new Site Drawing and EPSC Plan requirements.
- 65. B.1 includes “General Site Drawing Requirements for Low Risk Projects”
- 66. B.2 has been updated to clarify EPSC Plan requirements including the addition of a “Winter Construction Plan”.
- 67. Footnote 1 was added to clarify when a phasing plan is required.
- 68. B.2.1 has been updated to reflect the changes in B.2.
- 69. Appendix C – Definitions includes revisions to “Common plan of Development or Sale”, “Construction Activity”, “Earth Disturbance”, Notice of Intent”, “small construction activity”, “Stormwater or Stormwater Runoff”, and “Vegetated Buffer”.
- 70. Appendix D.10 added 3.4.1.B to the reopener clause.

VI. Public Notice and Comment Period

Written public comments on the proposed draft general permit are invited and must be received on or before June 17, 2025. Comments may be submitted through the Agency’s Environmental Notice Bulletin (ENB) <http://enb.vermont.gov> Although you can comment as a guest user, it is recommended that users create an account. If you wish to be notified on the status of the General Permit, after registering on the ENB, select “my subscriptions,” by selecting “modify alerts” and sign up for notices related to “General Permit 3-9020 (CGP)” under the Watershed Management Division Stormwater heading. Be sure to hit the green “save” button to ensure preferences are saved for the account. All comments received by the above date will be considered in the formulation of the final General Permit 3-9020 (2025). The program has a draft version of the CGP with all changes outlined in red text upon request.

VII. Public Meeting

A public information meeting will be held in-person with a virtual option via Microsoft Teams or audio on: Tuesday, June 10, 2025, from 10:00 AM to 12:00 PM, at the offices of the Vermont Agency of Natural Resources, Department of Environmental Conservation, Stormwater Program, in the Catamount Conference room located in the National Life Building at 1 National Life Drive, Davis 1, Montpelier, VT 05602. To join the meeting virtually, instructions are included on the ENB. A copy of the draft 2025 CGP and Fact Sheet are available on the ENB. Hard copies of the general permit and related documents may be obtained upon request.

At the public meeting, Department staff will be present to answer general questions concerning draft General Permit 3-9020 (2025) and to receive public comment. Questions should be directed to Bryce McKim, Stormwater Program, bryce.mckim@vermont.gov or 802-272-9428.