

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

FACT SHEET

**DRAFT GENERAL PERMIT 3-9050 (2019)
FOR OPERATIONAL STORMWATER DISCHARGES**

I. Background

The Vermont Agency of Natural Resources (Agency) is proposing to issue a general permit for operational regulated stormwater runoff. The draft permit is referred to as General Permit 3-9050 (2019) (General Permit 3-9050 or general permit). The general permit is required pursuant to 10 V.S.A. § 1264(g).

General Permit 3-9050 will cover operational stormwater permitting for new development, redevelopment, impervious surfaces of three or more acres, designated discharges from impervious surfaces, and renewal of previously issued individual operational stormwater permits or authorizations under an operational general permit. The general permit will cover discharges to all waters of the State, including stormwater-impaired waters, Lake Champlain, Lake Memphremagog, and waters that contribute to the impairment of Lake Champlain or Lake Memphremagog, where a TMDL or water quality remediation plan has, or has not, been adopted.

General Permit 3-9050 will supersede General Permits 3-9010, 3-9015 and 3-9030.

General Permit 3-9050 complies with the minimum requirements for stormwater permits issued by the State of Vermont as the approved authority to administer a permit program consistent with the federal National Pollutant Discharge Elimination System (NPDES). All authorizations under the general permit shall be issued pursuant to the State's approved authority.

II. General Permit Authority

The draft General Permit 3-9050 is issued pursuant to the Vermont Water Pollution Control Statute, 10 V.S.A. Chapter 47, specifically §§ 1258 and 1264 and the rules adopted thereunder (Stormwater Permitting Rule (Environmental Protection Rules, Ch. 22)).

III. Purpose of the General Permit

The operational stormwater permitting program is the State of Vermont's primary regulatory tool for managing discharges of stormwater from impervious surfaces, and the proposed General Permit 3-9050 will be the primary regulatory instrument for implementing these

regulations. Discharges of stormwater from impervious surface may result in stream-channel degradation from excess flows, loss of groundwater infiltration, and excessive pollutant loading to waters. Unmanaged regulated stormwater can contribute sediment, nutrients, and other pollutants to surface waters resulting in impacts to those waters. This general permit establishes the controls necessary to mitigate the adverse impacts of existing and proposed discharges of regulated stormwater runoff.

IV. Applicability of General Permit

The following activities will require coverage under General Permit 3-9050, unless the Secretary determines the discharge requires an individual permit pursuant to Subpart 8.5 (requiring an individual permit) of the general permit:

- A. To commence the development or redevelopment of one or more acres of impervious surface;
- B. Effective July 1, 2022 to commence the development or redevelopment of one-half acre or more of impervious surface;
- C. To commence the expansion of existing impervious surface by more than 5,000 square feet, such that the total resulting impervious surface is equal to or greater than one acre;
- D. A discharge of regulated stormwater runoff from impervious surface of three or more acres, which was never previously permitted or was permitted under an individual permit or general permit that did not incorporate the requirements of the 2002 Stormwater Management Manual or any subsequently adopted Stormwater Management Manual. If any portion of an impervious surface of three or more acres in size was not permitted or was permitted under an individual permit or general permit that did not incorporate the requirements of the 2002 Stormwater Management Manual or any subsequently adopted Stormwater Management Manual, the entire site shall be subject to the requirements of this general permit;
- E. A designated discharge of stormwater runoff from impervious surface that the Secretary has determined requires permit coverage pursuant to the Secretary's authority under 22-Section 107(c)(1) of the Stormwater Permitting Rule (Environmental Protection Rules, Ch. 22) and 40 C.F.R. § 122.26(a)(9)(i)(C) and (D); and
- F. Renewals of the following previously-issued authorizations for discharges of stormwater runoff:
 - 1. Projects authorized under General Permit 3-9030;
 - 2. Projects authorized under an individual state stormwater discharge permit;

3. Projects authorized under a temporary pollution permit pursuant to 10 V.S.A. § 1265;
4. Projects authorized under General Permit 3-9015; and
5. Projects authorized under General Permit 3-9010.

V. General Permit Organization

The proposed General Permit is organized into the following eleven Parts that describe general permit requirements for all regulated activities under the general permit. Part 3, Discharge Requirements, includes Subparts specific to whether the receiving water is Lake Champlain, Lake Memphremagog, or a stormwater-impaired water, and whether a TMDL has been issued.

Part 1, Coverage Under this General Permit, describes the legal authority for the general permit, activities requiring permit coverage, phased development and circumvention, exemptions, the effect of a municipality or stormwater utility assuming responsibility for a specific impervious surface, and definitions.

Part 2, Application Requirements and Implementation Deadlines, covers who must file an application for an authorization to discharge under the general permit, application contents and timing, requests for additional information, public comment, timing of authorizations, stormwater treatment implementation deadlines, statements of compliance, and discharges previously authorized under General Permit 3-9030 Part III.A.3.

Part 3, Discharge Requirements, covers required treatment standards, the Vermont Stormwater Management Manual, and compliance with Antidegradation Policy.

Part 4, Engineering Feasibility Analysis, Stormwater Impact Fees, and Offsets, covers engineering feasibility analysis criteria, payment and receipt of stormwater impact fees, and offsets requirements.

Part 5, Prohibition, deals with the discharge of any material other than stormwater.

Part 6, Groundwater Public Trust, contains requirements from the Groundwater Protection Rule and Strategy pertaining to the discharge of stormwater to groundwater.

Part 7, Operation and Maintenance, addresses the required operation and maintenance of stormwater systems, corrective action, reporting, disposal of solids, retaining records, and notification to the Department of planned expansions.

Part 8, Standard Conditions, covers multiple standard conditions including duty to comply and enforcement, transfers, requiring an individual permit, revocation and termination of authorizations, and duration of authorizations.

Part 9, Appeals, covers the requirements related to the appeal of the general permit and authorizations under the general permit.

Part 10, Term, identifies the effective and expiration dates of the general permit.

Part 11, Appendix-BMPs for Existing Isolated Roads. Identifies the treatment standards for certain existing roads.

VI. Discharges Authorized Prior to Submitting a Notice of Intent

Part 2.6 of the general permit authorizes the discharge of stormwater from projects with certain expired permits, or permits expiring within the twelve months following issuance of the general permit, without submitting a notice of intent. The subject projects are required to submit a registration within the prescribed time period and a notice of intent no later than twelve months after the issuance of the general permit. The Secretary has included this provision because it allows the amount of time reasonably needed to assemble the full extent of information required for a complete application for these projects. The subject projects include those with expired permits in stormwater-impaired waters or permits for impervious surfaces of three or more acres that will expire within 12 months of issuance of the general permit.

There are approximately 165 projects in the stormwater-impaired waters with expired permits. These projects have been able to file notices of permit deferral pursuant to 10 V.S.A. § 613 to provide for clean title. This permit deferral is set to expire 180 days after the adoption of the Stormwater Permitting Rule, per 10 V.S.A. § 613(b)(2). The Stormwater Permitting Rule was adopted on March 1, 2019. Affected projects will require time to coordinate landowners, acquire the necessary funds, hire engineers, and develop the required plans.

Additionally, approximately 75 existing permits for projects that need to meet the requirements for impervious surfaces of three or more acres will expire during the twelve months following adoption of the general permit. Like the expired permits, these projects will need sufficient time and resources to comply with requirements.

The affected permits are all for existing stormwater discharges. There will be no increase in the number or volume of discharges.

VII. Public Notice and Comment Period

Written public comments on the proposed general permit are invited and must be received by 11/8/2019. Comments may be submitted through the Department of Environmental Conservation's Environmental Notice Bulletin (<https://enb.vermont.gov/>). When registering on the ENB, be sure to sign up for notices related to "General Permit 3-9050 (2019) For Operational Stormwater Discharges" under the Watershed Management Division Stormwater heading. All comments received by the above date will be considered in formulation of the final General Permit 3-9050 (2019).

Public Meetings

Public meetings have been scheduled as follows:

10/28/2019: Rutland Free Library, Fox Room, Rutland City, 2:00- 3:30 PM

10/29/2019: Montpelier Pavilion Auditorium, Montpelier, 2-3:30 PM

10/31/2019: Milton Municipal Building, Community Room, Milton, 2:00-3:30 PM

For additional information on the draft general permit please contact Padraic Monks at 802-490-6169 or by email at padraic.monks@vermont.gov.

Copies of the general permit are available at

<https://dec.vermont.gov/watershed/stormwater/9050>, or by email at

padraic.monks@vermont.gov Hard copies of the general permit and related documents may be obtained upon request.

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DEC Stormwater Management Program
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Or call: 802-490-6169