

**STATE OF VERMONT  
AGENCY OF NATURAL RESOURCES  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

**FACT SHEET  
(AUGUST 2022)**

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)  
GENERAL PERMIT FOR DISCHARGES FROM PETROLEUM RELATED  
REMEDIAATION ACTIVITIES TO WATERS OF THE STATE**

**PERMIT NO. 3-9004  
NPDES NO. VTG910001**

**Regulatory Overview**

Pursuant to the Clean Water Act (CWA), the Environmental Protection Agency (EPA) or an EPA-delegated state is authorized to issue NPDES permits for the discharge of pollutants from any point source into waters of the United States. As a delegated state, Vermont has the responsibility to administer the permit program and issue permits for discharges within the state. The Vermont Agency of Natural Resources is proposing to reissue a general permit for discharges from petroleum related remediation activities to waters of the State, which include all waters of the United States within the State of Vermont, with the exception of Outstanding Resource Waters and Class One Wetlands.

A general permit authorizes a state-wide class of discharges that share the same or similar qualities such that the discharges can be regulated by the same or similar permit conditions. The General Permit (3-9004) for Discharges from Petroleum Related Remediation Activities has been prepared in accordance with the State of Vermont's General Permit Rules, Section 13.12 of the Vermont Water Pollution Control Regulations and the Vermont Water Quality Standards, effective January 15, 2017.

After the issuance of the general permit, applicants must submit a "Notice of Intent" to be covered under the general permit. Each NOI is filed in the municipal office of the municipality where the discharge point will be located and is placed on notice for public comment for 14 days. The NOI describes the nature and location of the discharge(s) seeking authorization under the general permit. Any comments submitted on the NOI to the Department during the 14-day public comment period will be considered by the Department in its final decision on whether to grant authorization to discharge under the general permit.

**Coverage under this general permit**

This general permit will authorize and regulate discharges from petroleum related remediation activities to all Class B waters within the State of Vermont. This general permit is not applicable to discharges to Class A Waters, Outstanding Resource Waters, and Class One Wetlands. Petroleum related remediation activities include, but are not limited to, the discharge of one or more of the following: ground and/or surface water from remediation systems; surface and/or ground water accumulating as a result of excavation activity; surface and ground water

contaminated by spills; ground water resulting from pumping and/or monitoring aquifer(s). All of the previously mentioned discharges result from corrective actions involving above ground or underground storage tanks used to store gasoline, diesel fuel, kerosene, jet fuel, or heating oil, or the transportation of these materials.

Discharges not covered by the general permit include discharges from federally owned facilities, discharges to groundwater, discharges to Publicly-Owned Treatment Works, and discharges from petroleum related remediation activities that are mixed with or contaminated by any other wastes or discharges.

## **Permit Requirements**

### Monitoring

EPA has developed technology-based effluent limitations through the development of national effluent limitations guidelines for many specific categories of industries. However, national effluent guidelines have not been promulgated for wastewater discharges resulting from petroleum related cleanups. Consequently the effluent limits proposed for this general permit have been developed based on Vermont Water Quality Standards for Protection of Human Health, Consumption of Water and Organisms and best professional judgment (BPJ) in accordance with 40 CFR §125.3. BPJ is used to develop technology-based effluent limits in those cases where an effluent guideline has not been promulgated for the industry and water quality standards do not dictate limits more stringent than technology-based limits.

This permit requires the permittee to monitor flow, benzene, total BTEX, MTBE, lead, naphthalene, (1,2,4), (1,3,5), and (1,2,3) trimethylbenzenes, and, if the source is diesel, heating oil, kerosene and/or jet fuel, total petroleum hydrocarbons (TPH) at a frequency of twice a month.

Sampling of effluent flow has been increased in the draft permit from once a month to daily in order to monitor compliance with the design flow of treatment systems indicated in the NOI. Discharge flow shall be measured after treatment using a continuous measurement flow meter (i.e., a device that records the instantaneous gallons per minute (GPM) and total gallons discharged). If an operator demonstrates that use of a meter is infeasible and such a change is approved by the Secretary in writing, discharge flow shall be based on an estimate. An estimate of discharge flow shall be determined by the operation time and design flow of the treatment system in use at a site, or the flow rate and dimensions of the outfall at a site.

The technology based permit limit for benzene in the draft permit has reduced from 5 parts per billion (ppb) to 2.1 ppb to comply with Vermont Water Quality Standards for the Protection of Human Health, Consumption of Water and Organisms.

The proposed BTEX permit limit of 50 ppb is based on several years of monitoring at Vermont sites utilizing activated carbon, air strippers, or a combination of both that has demonstrated that the existing technology is capable of achieving this limit. Accordingly, the total petroleum hydrocarbons (TPH) limit of 1000 ppb is also based on past monitoring data at Vermont sites that demonstrates the existing technology capable of achieving the effluent limit. This remains in the permit based on Federal anti-backsliding requirements established in Section 402(o) of the CWA and 40 C.F.R. §122.44(l).

The draft permit adds monitoring of Lead, Naphthalene, and (1,2,4), (1,3,5) and (1,2,3) trimethylbenzenes twice monthly. These are additional contaminants of concern based on past monitoring data at Vermont petroleum remediation sites. The technology based permit limit for Lead is 30 ppb based on Vermont Water Quality Standards for the Protection of Human Health, Consumption of Water and Organisms. Naphthalene and trimethylbenzenes are monitor only as they are not included in Vermont Water Quality Standards.

### Reporting

The Permittee is required to submit monthly reports of monitoring results and operational parameters on Discharge Monitoring Report (DMR) form WR-43 or through an electronic reporting system made available by the Secretary. Reports are due on the 15th day of each month, beginning with the month following the effective date of this permit.

Unless waived by the Secretary, the Permittee shall electronically submit its DMRs via [Vermont's online electronic reporting system](#). The Permittee shall electronically submit additional compliance monitoring data and reports specified by the Secretary. When the Permittee submits DMRs using an electronic system designated by the Secretary, which requires attachment of scanned DMRs in PDF format, it is not required to submit hard copies of DMRs. The electronic submittals are submitted through the State of Vermont Agency of Natural Resources' Online Services Portal, or its replacement.

If, in any reporting period, there has been no discharge, the Permittee must submit that information by the report due date.

Upon receiving coverage under the general permit, the permittee will be emailed the appropriate forms for submitting the data required by the permit.

### Termination

Upon elimination of a discharge authorized under this permit, a permittee may request that coverage under this permit be terminated by submittal of a completed [Request for Termination of Coverage Form](#) to the Department. Coverage under this permit will be terminated upon receipt of a written determination by the Department that the Notice of Termination filing is complete and the discharge has been eliminated.

### **Application Procedure**

To obtain coverage under the general permit, an NOI must be submitted to the Department, and an authorization to discharge received from the Department. As required by the General Permit Rules, a public notice of the application for coverage under the general permit must be sent by the applicant to the clerk's office of the municipality where the discharge is to occur for a 14 day public comment period. The public notice form is included as part of the NOI.

Upon written request from the Department, an applicant must submit additional information that may be necessary to enable the Department to authorize the discharge under this permit. The applicant will have up to 60 days, per the Vermont Department of Environmental Conservation Application Review Procedure, to submit the additional information or the application for authorization may be denied.

The Department may require an applicant to apply for an individual permit. Cases where an

individual permit may be required include those cases where the discharge does not qualify for coverage and for the reasons listed under Section D of the General Permit Rules. Where it has been determined that an applicant must apply for an individual permit, the Department will send a letter of explanation and request any additional material necessary to complete the application.

### **Public Comment Period**

*The public comment period for receiving comments on this draft permit was from September 1, 2022 through September 30, 2022 during which time no comments were received.*