

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

**FACT SHEET  
(May 2019)**

**GENERAL PERMIT FOR DISCHARGES FROM PETROLEUM RELATED  
REMEDICATION ACTIVITIES INTO MUNICIPAL WASTEWATER TREATMENT  
FACILITIES (WWTFs)**

**GENERAL PERMIT NO. 3-9016**

**Regulatory Overview**

The Vermont Agency of Natural Resources is proposing to renew a general permit for discharges from petroleum related remediation activities to municipal wastewater treatment facilities (WWTFs) (a.k.a. publicly owned treatment works (POTWs)) within the State of Vermont pursuant to 10 V.S.A. Section 1259(a), the Vermont Water Pollution Control Permit Regulations (Rule 13), the General Permit Rules (Rule 13.12), and the Vermont Water Quality Standards. The initial general permit was issued in June 2004 and renewed in July 2009 and July 2014.

A general permit refers to a permit authorizing a statewide 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 process is initiated by the Agency. Following issuance of a final general permit, applicants must submit a "Notice of Intent" (NOI) to be covered under the general permit.

Coverage under this general permit will allow an applicant to receive authorization to discharge after a 14-day public notice period, rather than seeking authorization under an individual permit which requires a 30-day public notice period.

**Coverage under this general permit**

The proposed general permit will authorize and regulate discharges from petroleum related remediation activities to all municipal WWTFs within the State of Vermont, except for discharges from petroleum related remediation activities that are mixed with or contaminated by any other wastes or discharges, and discharges from federally owned facilities. 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; and ground water resulting from pumping and/or monitoring aquifers. These 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.

### **Permit Requirements**

EPA has determined 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 best professional judgement basis (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, and, if the source is diesel, heating oil, kerosene and/or jet fuel, to monitor total petroleum hydrocarbons at a frequency of twice a month. Flow monitoring is required at a frequency of once per month. The technology-based permit limit of 5 parts per billion (ppb) for benzene is included in the permit. This limit is based on the removal efficiencies achieved by conventional treatment technology commonly used in ground water remediation projects consistent with the EPA document *Model NPDES Permit for Discharges Resulting From the Cleanup of Gasoline Released From Underground Storage Tanks*, June 1989. Although the same EPA document suggests a BTEX limit of 100 ppb, the proposed 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 this technology is capable of reliably achieving this limit. The total petroleum hydrocarbons (TPH) limit of 1000 ppb is also based on past monitoring data at Vermont sites that demonstrates the existing technology is capable of reliably achieving the effluent limit.

Monthly reporting to the Department is required. Following notification of coverage under the general permit, the permittee will be mailed or emailed the appropriate forms for submitting required data. The required monitoring reporting forms are also located on the Department's webpage.

Upon elimination of a discharge authorized under this permit, a permittee may request that coverage under this permit be terminated by submitting an **Application for 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. This form may be found on the Wastewater Program webpage.

### **Application Procedure**

To obtain coverage under the general permit, a NOI must be completed, submitted to the Department, and an authorization to discharge received from the Department. **Consultants, contractors, and attorneys cannot sign the Notice of Intent (NOI) form on behalf of an owner/operator unless legally delegated.**

**A signed letter from the municipality approving the discharge to its WWTF must be included with the application.**

Upon written request from the Department, an applicant must submit any additional information that is 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.

In some cases, the Department may require an applicant to apply for an individual permit. Examples of when an individual permit may be required are when the discharge does not qualify for coverage under the terms of the general permit, or for a reason(s) listed in Section D of the General Permit Rule. A copy of the General Permit Rule is available at the DEC Wastewater Discharge Permits webpage. When it has been determined that an applicant must apply for an individual permit, the Department will send a letter of explanation and request material necessary to complete the permit application.

### **Termination**

Coverage under the permit ends when the permittee notifies the Department by completion of an Application for Request for Termination of Coverage\_form followed by a receipt from the Department or when the permit expires, whichever occurs first.

### **Public Notice and Comment Period**

Written public comments on the proposed permit were invited on or before Wednesday May 15, 2019. Comments were to be submitted through the Department of Environmental Conservation's Environmental Notice Bulletin (<https://enb.vermont.gov/>). All comments received by the above date were considered in formulation of the final General Permit 3-9016 (2019).

### **Public Meeting**

A public meeting was held on Thursday May 2, 2019 in the Catamount Room located at 1 National Life Dr., Montpelier, VT 05620.

Hard copies of the general permit and related documents may be obtained upon request.

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