

**NOTICE OF DRAFT STATE WATER QUALITY
CERTIFICATION AND FACT SHEET**

**Vermont Agency of Natural Resources
Department of Environmental Conservation
Water Quality Division
103 South Main Street
Waterbury, VT 05671**

The Vermont Agency of Natural Resources (Agency), Department of Environmental Conservation (DEC) is proposing to issue a Water Quality Certification in connection with the Pittsford National Fish Hatchery in North Chittenden, Vermont. Under Section 401(a)(1) of the Clean Water Act ([33 USC § 1341](#)), states have the authority to review and approve, condition, waive, or deny water quality certification for any activity that is subject to a Federal permit or license and may might result in a discharge to waters of the United States. In Vermont, Section 401 Water Quality Certification applications are reviewed to determine if the activity will comply with the Vermont Water Quality Standards adopted by the Vermont Water Resources Board and any other requirements of state law.

The proposed Water Quality Certification is being issued in connection with EPA's issuance of an individual NPDES discharge permit for the Pittsford National Fish Hatchery. The Individual Permit will authorize certain identified discharges from the Hatchery to Furnace Brook. The Department's proposed Water Quality Certification finds that the conditions of the Individual Permit, the capacity of EPA to enforce such conditions and the State's reservation of the authority to enforce the Vermont Water Quality Standards and other state laws applicable to any discharge will assure compliance with the Vermont Water Quality Standards. The Department proposes to grant water quality certification for discharges covered under the Individual Permit, subject to the following conditions:

1. "This Certification is valid only for those activities that fully comply with all terms and conditions of the Individual Permit and all other state laws applicable to such discharges. The VTDEC reserves the authority to enforce any violation of the Vermont Water Quality Standards that results from any discharge and to enforce all other state laws applicable to such discharges.
2. This Certification shall be valid until such time as the Individual Permit is modified, suspended, revoked or reissued.
3. The issuance of this Certification does not authorize violation of any federal, state or local laws or regulations, nor does it obviate the necessity of obtaining such permits, including any VTDEC permits, or approvals from other governmental entities as may be required by law.

4. This Water Quality Certification may be revoked or modified if it is found, in the opinion of the VTDEC, that the process and conditions of the Individual Permit do not achieve compliance with the Vermont Water Quality Standards and other applicable provisions of state law.”

Public Comments

If you wish to obtain copies of the Department’s proposed Water Quality Certification or EPA’s draft NPDES Individual Permit for the Pittsford National Fish Hatchery, please contact Mary Borg, Esq. at mary.borg@state.vt.us or (802)241-1433.

The Agency is seeking public comment on the proposed Water Quality Certification. Written comments will be accepted on the proposed Water Quality Certification through close of business on December 2, 2008. Written comments should be sent to the address below:

Agency of Natural Resources
Water Quality Division, Dept. of Environmental Conservation
103 South Main Street
Waterbury, Vermont 05671-0408
Attention: Mary Borg, Esq.

Written comments may also be sent electronically to mary.borg@state.vt.us. All written comments submitted during the public comment period will be retained by the Department and considered in the final determination with respect to the Water Quality Certification.

Any request for a public meeting regarding the Department’s proposed Water Quality Certification must be made in writing and sent to the above address before the close of business on December 2, 2008. The Department will consider scheduling a public meeting if there is significant interest expressed in one. Any person may submit oral or written statements at any public meeting concerning the proposed Water Quality Certification.