

Appendix A. Definitions

Agency - means the Vermont Agency of Natural Resources.

Best Management Practices (BMPs) - schedules of activities, practices (and prohibitions of practices), structures, vegetation, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

Co-located Industrial Activities – occurs when a facility has industrial activities included in more than one industrial sector. Stormwater discharges from co-located activities must comply with requirements for all relevant sectors.

Control Measure - refers to any BMP or other method (including effluent limitations) used to prevent or reduce the discharge of pollutants to waters of the State.

CWA - means the federal Clean Water Act, also known as the Federal Water Pollution Control Act, 33 U.S.C. §§ 1251 *et seq.*

Designer - means any individual whose qualifications are acceptable to the Secretary. The Secretary may require that a design be prepared by a professional engineer licensed in the State of Vermont, as necessary to protect the public or the environment.

Discharge - when used without qualification, means the "discharge of a pollutant."

Discharge of a pollutant - any addition of any "pollutant" or combination of pollutants to "waters of the State" from any "point source," or any addition of any pollutant or combination of pollutants to the waters of the "contiguous zone" or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation. This includes additions of pollutants into waters of the State from: surface runoff which is collected or channeled by man; discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works.

Discharge-related activities - activities which cause, contribute to, or result in stormwater and allowable non-stormwater point source discharges, and measures such as the siting, construction and operation of BMPs to control, reduce, or prevent pollution in the discharges.

Facility or Activity - any NPDES "point source" or any other facility or activity (including land or appurtenances thereto) that is subject to regulation under the NPDES program.

Impaired Water – a water is impaired if it does not meet its designated use(s). For purposes of this permit 'impaired' refers to threatened and impaired waters in categories 4a (those for which TMDLs have been established), and 4b (those for which existing controls such as

permits are expected to resolve the impairment). Vermont's impaired waters compilation is also sometimes referred to the 303(d) lists; 303(d) lists generally include only waters for which TMDLs have not yet been developed.

Industrial Activity - the 11 categories of industrial activities included in the definition of "stormwater discharges associated with industrial activity."

Industrial materials or activities - include, but are not limited to, material handling equipment or activities, industrial machinery, raw materials, intermediate products, by-products, final products, or waste products.

Industrial Stormwater - stormwater runoff associated with the definition of "stormwater discharges associated with industrial activity."

Material handling activities - include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, final product or waste product.

Municipal Separate Storm Sewer - a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

- (i) Owned or operated by the State, a city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the State;
- (ii) Designed or used for collecting or conveying stormwater;
- (iii) Which is not a combined sewer; and
- (iv) Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2.

New Discharger - means any building, structure, facility, or installation:

- (i) From which there is or may be a "discharge of pollutants;"
- (ii) That did not commence the "discharge of pollutants" at a particular "site" prior to August 13, 1979;
- (iii) Which is not a "new source;" and
- (iv) Which has never received a finally effective NDPES permit for discharges at that "site."

New Source - any building, structure, facility, or installation from which there is or may be a "discharge of pollutants," the construction of which commenced:

1. after promulgation of standards of performance under section 306 of the CWA which are applicable to such source, or
2. after proposal of standards of performance in accordance with section 306 of the CWA which are applicable to such source, but only if the standards are promulgated

in accordance with section 306 within 120 days of their proposal.

No exposure - all industrial materials or activities are protected by a storm-resistant shelter to prevent exposure to rain, snow, snowmelt, and/or runoff.

NOT- means Notice of Termination.

Owner or operator - the owner or operator of any “facility or activity” subject to regulation under the NPDES program.

Person - an individual, association, partnership, corporation, municipality, State or Federal agency, or an agent or employee thereof.

Point source - any discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel, or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff.

Primary industrial activity - includes any activities performed on-site which are identified in the narrative descriptions of 122.26(b)(14)(i), (iv), (v), or (vii), and (ix); and activities which are identified by the facility’s primary SIC code. [It is recommended that this determination be based on the value of receipts or revenues or, if such information is not available for a particular facility, the number of employees or production rate for each process may be compared. The operation that generates the most revenue or employs the most personnel is the operation in which the facility is primarily engaged.] Narrative descriptions identified above include: (i) activities subject to stormwater effluent limitations guidelines, new source performance standards, or toxic pollutant effluent standards; (iv) hazardous waste treatment storage, or disposal facilities including those that are operating under interim status or a permit under subtitle C of the Resource Conservation and Recovery Act (RCRA); (v) landfills, land application sites and open dumps that receive or have received industrial wastes; (vii) steam electric power generating facilities; and (ix) sewage treatment works with a design flow of 1.0 mgd or more.

Pollutant - dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal and agricultural waste discharged into water.

Qualified Personnel - Qualified personnel are those who possess the knowledge and skills to assess conditions and activities that could impact stormwater quality at your facility, and who can also evaluate the effectiveness of BMPs.

Reportable Quantity Release – a release of a hazardous substance at or above the established legal threshold that requires emergency notification under federal regulations or Vermont’s Hazardous Waste Management Regulations § 7-105. Refer to 40 CFR

Parts 110, 177, and 302 for complete definitions and reportable quantities for which notification is required under federal law.

Runoff coefficient - the fraction of total rainfall that will appear at the conveyance as runoff.

Secretary - the Secretary of the Agency of Natural Resources or his/her designee

Significant materials - includes, but is not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under section 101(14) of CERCLA; any chemical the facility is required to report pursuant to section 313 of Title III of SARA; fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with stormwater discharges.

Special Aquatic Sites - sites identified in 40 CFR 230 Subpart E. These are geographic areas, large or small, possessing special ecological characteristics of productivity, habitat, wildlife protection, or other important and easily disrupted ecological values. These areas are generally recognized as significantly influencing or positively contributing to the general overall environmental health or vitality of the entire ecosystem of a region.

Stormwater - stormwater runoff, snow melt runoff, and surface runoff and drainage.

Stormwater Discharges Associated with Construction Activity - a discharge of pollutants in stormwater runoff from areas where soil disturbing activities (e.g., clearing, grading, or excavation), construction materials, or equipment storage or maintenance (e.g., fill piles, borrow areas, concrete truck washout, fueling), or other industrial stormwater directly related to the construction process (e.g., concrete or asphalt batch plants) are located. (See 40 CFR 122.26(b)(14)(x) and 40 CFR 122.26(b)(15) for the two regulatory definitions on regulated stormwater associated with construction sites.)

Stormwater Discharges Associated with Industrial Activity - the discharge from any conveyance that is used for collecting and conveying stormwater and that is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. The term does not include discharges from facilities or activities excluded from the NPDES program under Part 122. For the categories of industries identified in this section, the term includes, but is not limited to, stormwater discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process waste waters (as defined at part 401 of this chapter); sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and final products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to stormwater. For the purposes of this paragraph, material handling activities include storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, final product, by-product or waste product. The term

excludes areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded areas is not mixed with stormwater drained from the above described areas. Industrial facilities include those that are federally, State, or municipally owned or operated that meet the description of the facilities listed in Appendix D of this permit. The term also includes those facilities designated under the provisions of 40 CFR 122.26(a)(1)(v).

Storm Resistant Shelter - as used in the no exposure definition, includes completely roofed and walled buildings or structures, as well as structures with only a top cover but no side coverings, provided material under the cover is not otherwise subject to any run-on and subsequent runoff of stormwater.

Total Maximum Daily Loads (TMDLs) - A TMDL is the sum of the allowable loads of a single pollutant from all contributing point and nonpoint sources. It is a calculation of the maximum amount of a pollutant that a waterbody can receive and still meet water quality standards, and an allocation of that amount to the pollutant's sources. A TMDL stipulates wasteload allocations (WLAs) for point source discharges, load allocations (LAs) for nonpoint sources, and a margin of safety (MOS).

Waters of the State - all rivers, streams, creeks, brooks, reservoirs, ponds, lakes, springs and all bodies of surface waters, artificial or natural, which are contained within, flow through or border upon the State or any portion of it.

Water Quality Impaired – See ‘Impaired Water’.

“You” and “Your” - as used in this permit, are intended to refer to the permittee, the operator, or the discharger as the context indicates and that party’s facility or responsibilities. The use of “you” and “your” refers to a particular facility and not to all facilities operated by a particular entity. For example, “you must submit” means the permittee must submit something for that particular facility. Likewise, “all your discharges” would refer only to discharges at that one facility.

A.2. ABBREVIATIONS AND ACRONYMS

APA – Administrative Procedure Act

BAT – Best Available Technology Economically Achievable

BOD5 – Biochemical Oxygen Demand (5-day test)

BMP – Best Management Practice

BPJ – Best Professional Judgment

BPT – Best Practicable Control Technology Currently Available

CAA – Clean Air Act

CERCLA – Comprehensive Environmental Response, Compensation and Liability Act
CGP – Construction General Permit
COD – Chemical Oxygen Demand
CSGWPP – Comprehensive State Ground Water Protection Program
CWA – Clean Water Act (or the Federal Water Pollution Control Act, 33 U.S.C. §1251 *et seq*)
CWT – Centralized Waste Treatment
DMR – Discharge Monitoring Report
ELG – Effluent Limitations Guidelines
EPA – U. S. Environmental Protection Agency
EPCRA – Emergency Planning and Community Right-to-know Act
ESA – Endangered Species Act
FEMA – U. S. Federal Emergency Management Agency
FWS – U. S. Fish and Wildlife Service
LA – Load Allocation
MGD – Million Gallons per Day
MOS – Margin of Safety
MS4 – Municipal Separate Storm Sewer System
MSDS – Material Safety Data Sheet
MSGP – Multi-Sector General Permit
NAICS – North American Industry Classification System
NEPA – National Environmental Policy Act
NMFS – U. S. National Marine Fisheries Service
NOI – Notice of Intent
NOT – Notice of Termination
NPDES – National Pollutant Discharge Elimination System
NRC – National Response Center
NSPS – New Source Performance Standard
NTU – Nephelometric Turbidity Unit
NURP – Nationwide Urban Runoff Program

OMB – U. S. Office of Management and Budget
ORW – Outstanding Resource Water
OSM – U. S. Office of Surface Mining
POTW – Publicly Owned Treatment Works
PRA – Paperwork Reduction Act
RCRA – Resource Conservation and Recovery Act
RFA – Regulatory Flexibility Act
RQ – Reportable Quantity
SARA – Superfund Amendments and Reauthorization Act
SBREFA – Small Business Regulatory Enforcement Fairness Act
SDWA – Safe Drinking Water Act
SIC – Standard Industrial Classification
SMCRA – Surface Mining Control and Reclamation Act
SPCC – Spill Prevention, Control, and Countermeasure
SWPPP – Stormwater Pollution Prevention Plan
TMDL – Total Maximum Daily Load
TRI – Toxic Release Inventory
TSDF – Treatment, Storage, or Disposal Facility
TSS – Total Suspended Solids
UMRA – Unfunded Mandates Reform Act
USGS – United States Geological Survey
WLA – Wasteload Allocation
WQS – Water Quality Standard

Appendix B. Standard Permit Conditions.

Standard permit conditions in Appendix B are consistent with the general permit provisions required under 40 CFR 122.41 and the Vermont Water Pollution Control Regulations § 13.12[F]. Additional instructions may be included, however these standard conditions shall apply directly as incorporated from regulations.

B.1. Duty To Comply

You must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of 10 VSA Chapter 47 and the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

- A. You must comply with effluent standards or prohibitions established under section 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under section 405(d) of the CWA within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal, even if the permit has not yet been modified to incorporate the requirement.
- B. Penalties for Violations of Permit Conditions: Violations of the terms and conditions of this permit are subject to enforcement pursuant to 10 VSA Chapter 201. In addition and without limitation, the terms and conditions of this permit are enforceable as follows:

- 1. Criminal Penalties. 10 VSA §1275(a) provides that any person who violates any provision of Subchapter 1 of Vermont's Water Pollution Control Law, 10 VSA §§ 1250-1283, or who fails, neglects or refuses to obey or comply with any order or the terms of any permit issued in accordance with this subchapter, shall be fined not more than \$25,000 or be imprisoned not more than six months, or both. Each violation may be a separate offense and, in the case of a continuing violation, each day's continuance may be deemed a separate offense.

10 VSA §1275(b) provides that any person who knowingly makes any false statement, representation or certification in any application, record, report, plan, or other document filed or required to be maintained under this subchapter, or by any permit, rule, regulation or order issued under this subchapter, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this subchapter, shall upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment for not more than six months, or by both.

EPA retains the authority to enforce the Clean Water Act and compliance with this permit

pursuant to Section 309 of the CWA, 33 U.S.C. § 1319.

- 1.1 *Negligent Violations.* The CWA provides that any person who negligently violates permit conditions implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to criminal penalties of \$2,500 to \$25,000 per day of violation, or imprisonment of not more than one year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties or not more than \$50,000 per day of violation or by imprisonment of not more than two years, or both.
- 1.2 *Knowing Violations.* The CWA provides that any person who knowingly violates permit conditions implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a fine of not less than \$5,000 nor more than \$50,000 per day of violation, or by imprisonment for not more than 3 years, or both. In the case of a second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than \$100,000 per day of violation, or imprisonment of not more than 6 years, or both.
- 1.3 *Knowing Endangerment.* The CWA provides that any person who knowingly violates permit conditions implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act and who knows at that time that he or she is placing another person in imminent danger of death or serious bodily injury shall upon conviction be subject to a fine of not more than 15 years, or both. In the case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than \$500,000 or by imprisonment of not more than 30 years, or both. An organization, as defined in section 309(c)(3)(B)(iii) of the Act, shall, upon conviction of violating the imminent danger provision be subject to a fine of not more than \$1,000,000 and can fined up to \$2,000,000 for second or subsequent convictions.
- 1.4 *False Statement.* The CWA provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or both. The Act further provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

2. Civil Penalties.

10 VSA §1275(a) provides that any person who violates any provision of Subchapter 1 of Vermont's Water Pollution Control Law, 10 VSA §§ 1250-1283, or who fails, neglects or refuses to obey or comply with any order or the terms of any permit issued in accordance with this subchapter, shall be fined not more than \$25,000 or be imprisoned not more than six months, or both. Each violation may be a separate offense and, in the case of a continuing violation, each day's continuance may be deemed a separate offense.

10 VSA §1275(b) provides that any person who knowingly makes any false statement, representation or certification in any application, record, report, plan, or other document filed or required to be maintained under this subchapter, or by any permit, rule, regulation or order issued under this subchapter, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this subchapter, shall upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment for not more than six months, or by both.

The CWA provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a civil penalty not to exceed the maximum amounts authorized by Section 309(d) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701 note) (currently \$32,500 per day for each violation).

3. Administrative Penalties. 10 VSA §8010(c) provides that a penalty of not more than \$25,000 may be assessed for each determination of violation. In addition, if the Secretary determines that a violation is continuing the Secretary may assess a penalty of not more than \$10,000 for each day the violation continues, up to a total of \$100,000.

The CWA provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to an administrative penalty, as follows

- 3.1. *Class I Penalty.* Not to exceed \$11,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed \$32,500).
- 3.2. *Class II Penalty.* Not to exceed \$11,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed \$157,500).

B.2. Duty to Reapply

If you wish to continue an activity regulated by this permit after the expiration date of this permit, you must apply for and obtain a new permit. You must submit a new application at least 180 days before the expiration date of the existing permit, unless permission for a later date has been granted by the Secretary.

B.3. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for you in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

B.4. Duty to Mitigate

You must take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

B.5. Proper Operation and Maintenance

You must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by you to achieve compliance with the conditions of this permit, including the requirements of your SWPPP. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems which are installed by you only when the operation is necessary to achieve compliance with the conditions of this permit.

B.6. Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause, including but not limited to, violation of any term or condition of this permit, obtaining authorization to discharge by misrepresentation or failure to disclose all relevant facts, or a change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge. Your filing of a request for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

B.7. Property Rights

Coverage under this permit, does not convey property rights of any sort, nor any exclusive privileges, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of Federal, State, or local laws or regulations.

B.8. Duty to Provide Information

You must promptly furnish to the Secretary or his/her authorized representative (including an authorized contractor acting as a representative of the Secretary), within a reasonable time, any information which the Secretary may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. You must also furnish to the Secretary copies of any documents that are required to be kept as part of this permit. If you become aware that you have failed to submit any relevant facts or submitted incorrect information in the NOI, SWPPP or in any other report to the Secretary, you must promptly submit such facts or information.

B.9. Inspection and Entry

You must allow the Secretary or his/her, authorized representative (including an authorized contractor acting as a representative of the Secretary), upon presentation of credentials and other documents as may be required by law, to:

- A. Enter upon your premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- B. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- C. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- D. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act or Vermont law, any substances or parameters at any location.

B.10. Monitoring and Records

- A. Samples and measurements taken for the purpose of monitoring must be representative of the volume and nature of the monitored activity.
- B. You must retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least five years from the date of the sample, measurement, report or application. This period may be extended by the Secretary at any time.
- C. Records of monitoring information must include:
 1. The date, exact place, and time of sampling or measurements;

2. The individual(s) who performed the sampling or measurements;
 3. The date(s) analyses were performed
 4. The individual(s) who performed the analyses;
 5. The analytical techniques or methods used; and
 6. The results of such analyses.
- D. Monitoring results must be conducted according to test procedures approved under 40 CFR Part 136 or, in the case of sludge use or disposal, approved under 40 CFR Part 136 unless otherwise specified in 40 CFR Part 503, unless other test procedures have been specified in the permit.
- E. The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or both.

10 VSA §1275(b) provides that any person who knowingly makes any false statement, representation or certification in any application, record, report, plan, or other document filed or required to be maintained under this subchapter, or by any permit, rule, regulation or order issued under this subchapter, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this subchapter, shall upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment for not more than six months, or by both.

B.11. Signatory Requirements

A. All NOIs, NOTs, SWPPPs, reports, certifications or information either submitted to the Secretary, or that this permit requires to be maintained by the permittee, shall be signed as follows:

1. For a corporation: By a responsible corporate officer. For the purpose of this subsection, a responsible corporate officer means: (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

2. For a partnership or sole proprietorship: By a general partner or the proprietor, respectively; or
 3. For a municipality, state, federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this subsection, a principal executive officer of a federal agency includes (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.
- B. All reports, including SWPPPs, inspection reports, annual reports, monitoring reports, reports on training and other information required by this permit must be signed by a person described in Appendix B, Subsection 11.A above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
1. The authorization is made in writing by a person described in Appendix B, Subsection 11.A;
 2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position); and
 3. The signed and dated written authorization is included in the SWPPP. A copy must be submitted to the Agency, if requested.
- C. Changes to Authorization. If an authorization under Appendix B, Subsection 11.B is no longer accurate because a different operator has responsibility for the overall operation of the construction site, a new NOI satisfying the requirements of Subsection 11.B must be submitted to the Agency prior to or together with any reports, information, or applications to be signed by an authorized representative.
- D. Any person signing documents required under the terms of this permit must include the following certification:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

- E. The CWA provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than \$10,000 per

violation, or by imprisonment for not more than 6 months per violation, or by both.

B.12. Reporting Requirements

- A. Planned changes. You must give notice to the Secretary as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:
1. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR §122.29(b); or
 2. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under 40 CFR §122.42(a)(1).
- B. Anticipated noncompliance. You must give advance notice to the Secretary of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- C. Transfers. This permit is not transferable to any person except in accordance with the requirements of this subsection and Vermont Water Pollution Control Regulations § 13.12[C][4]. Any new owner or operator of a facility, including those who replace an owner or operator who has previously obtained permit coverage, must submit an NOI to be covered for discharges for which they are the owner or operator. The new owner or operator must complete and file an NOI on forms provided by the Secretary at least thirty (30) days prior to taking over ownership or operational control of the facility. The old owner or operator must file a Notice of Termination in accordance with Section 1.7 within thirty (30) days after the new owner or operator has assumed responsibility for the facility. The Secretary may require the owner and operator to apply for and obtain an individual permit as stated in Section 1.9.1 of this permit.
- D. Monitoring reports. Monitoring results must be reported at the intervals specified elsewhere in this permit. Depending on the types of monitoring required for the facility, a permittee may have to submit the results of monitoring to the Agency or may only have to keep the results with the facility's SWPPP.
1. If you monitor any pollutant more frequently than required by the permit using test procedures approved under 40 CFR Part 136 or, in the case of sludge use or disposal, approved under 40 CFR Part 136 unless otherwise specified in 40 CFR Part 503, or as specified in the permit, the results of this monitoring must be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the Secretary.

2. Calculations for all limitations which require averaging of measurements must use an arithmetic mean and non-detected results must be incorporated in calculations as the limit of quantitation for the analysis.
- E. Compliance schedules. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit must be submitted no later than 14 days following each schedule date.
- F. Twenty-four hour reporting.
1. You must report any noncompliance which may endanger health or the environment. Any information must be provided orally within 24 hours from the time you become aware of the circumstances. A written submission must also be provided within five days of the time you become aware of the circumstances. The written submission must contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
 2. The following shall be included as information which must be reported within 24 hours under this paragraph.
 - a. Any unanticipated bypass which exceeds any effluent limitation in the permit. (See 40 CFR §122.41(g).)
 - b. Any upset which exceeds any effluent limitation in the permit
 - c. Violation of a maximum daily discharge limitation for any of the pollutants listed by the Secretary in the permit to be reported within 24 hours. (See 40 CFR §122.44(g).)
 3. The Secretary may waive the written report on a case-by-case basis for reports under Appendix B, Subsection 12.F.2 if the oral report has been received within 24 hours.
- G. Other noncompliance. You must report all instances of noncompliance not reported under Appendix B, Subsections 12.D, 12.E, and 12.F, at the time monitoring reports are submitted. The reports must contain the information listed in Appendix B, Subsection 12.F.
- H. Other information. Where you become aware that you failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Agency, you must promptly submit such facts or information.

B.13. Bypass

A. Definitions.

1. Bypass means the intentional diversion of waste streams from any portion of a treatment facility
2. Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

B. Bypass not exceeding limitations. You may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Appendix B, Subsections 13.C and 13.D.

C. Notice–

1. Anticipated bypass. If you know in advance of the need for a bypass, you must submit prior notice, if possible at least ten days before the date of the bypass.
2. Unanticipated bypass. You must submit notice of an unanticipated bypass as required in Appendix B, Subsection 12.F (24-hour notice).

D. Prohibition of bypass.

1. Bypass is prohibited, and you may be subject to an enforcement action against you for bypass, unless:
 - a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - c. You submitted notices as required under Appendix B, Subsection 13.C.

2. The Secretary may approve an anticipated bypass, after considering its adverse effects, if the Secretary determines that it will meet the three conditions listed above in Appendix B, Subsection 13.D.1.

B.14. Upset

- A. Definition. Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond your reasonable control. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- B. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of Appendix B, Subsection 14.C are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
- C. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset must demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 1. An upset occurred and that you can identify the cause(s) of the upset;
 2. The permitted facility was at the time being properly operated; and
 3. You submitted notice of the upset as required in Appendix B, Subsection 12.F.2.b (24 hour notice).
 4. You complied with any remedial measures required under Appendix B, Subsection 4.
- D. Burden of proof. In any enforcement proceeding, you, as the one seeking to establish the occurrence of an upset, has the burden of proof.

B.15. Historic Properties

Each permittee must comply with any applicable federal state or local laws concerning the protection of historic properties and places.

B.16. Appeals

Pursuant to 10 VSA Chapter 220, any appeal of this permit must be filed with the clerk of the Environmental Court within 30 days of the date of the decision. The appellant must attach to the Notice of Appeal the entry fee of \$225.00 payable to the State of Vermont.

The Notice of Appeal must specify the parties taking the appeal and the statutory provision under which each party claims party status; must designate the act or decision appealed from; must


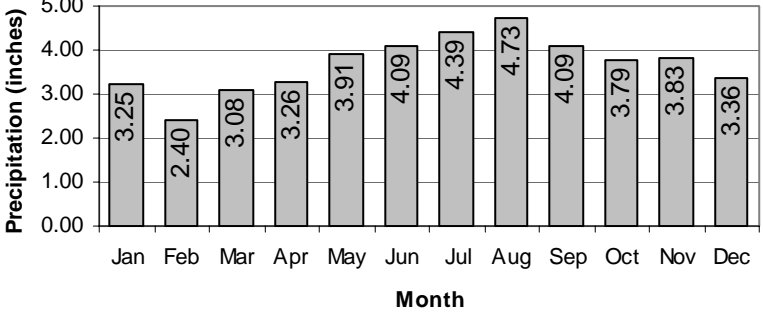

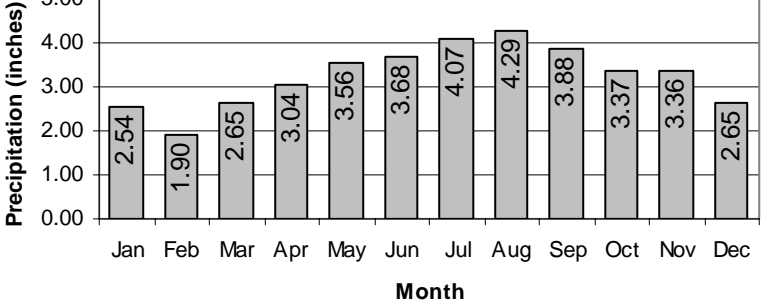

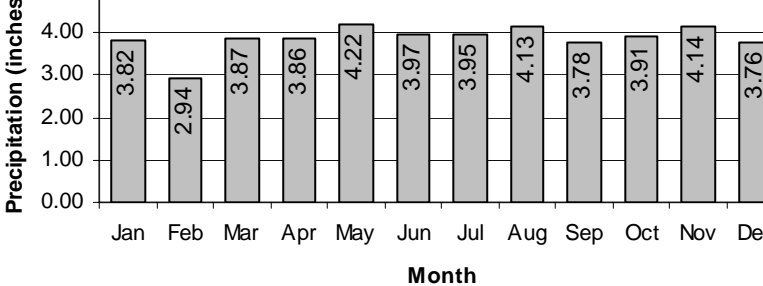
name the Environmental Court; and must be signed by the appellant or their attorney.

The appellant must also serve a copy of the Notice of Appeal in accordance with Rule 5(b)(4)(B) of the Vermont Rules for Environmental Court Proceedings.

For further information, see the Vermont Rules for Environmental Court Proceedings, available on-line at www.vermontjudiciary.org. The address for the Environmental Court is 2418 Airport Road, Suite 1, Barre, VT 05641 (Tel. #802-828-1660).

Appendix C. Rainfall Data.

Table 1: Vermont Monthly Precipitation Normals by Month, 1971-2000*

 <p>Division 1: Northeastern</p>	 <table border="1"> <thead> <tr> <th>Month</th> <th>Precipitation (inches)</th> </tr> </thead> <tbody> <tr><td>Jan</td><td>3.25</td></tr> <tr><td>Feb</td><td>2.40</td></tr> <tr><td>Mar</td><td>3.08</td></tr> <tr><td>Apr</td><td>3.26</td></tr> <tr><td>May</td><td>3.91</td></tr> <tr><td>Jun</td><td>4.09</td></tr> <tr><td>Jul</td><td>4.39</td></tr> <tr><td>Aug</td><td>4.73</td></tr> <tr><td>Sep</td><td>4.09</td></tr> <tr><td>Oct</td><td>3.79</td></tr> <tr><td>Nov</td><td>3.83</td></tr> <tr><td>Dec</td><td>3.36</td></tr> </tbody> </table>	Month	Precipitation (inches)	Jan	3.25	Feb	2.40	Mar	3.08	Apr	3.26	May	3.91	Jun	4.09	Jul	4.39	Aug	4.73	Sep	4.09	Oct	3.79	Nov	3.83	Dec	3.36
Month	Precipitation (inches)																										
Jan	3.25																										
Feb	2.40																										
Mar	3.08																										
Apr	3.26																										
May	3.91																										
Jun	4.09																										
Jul	4.39																										
Aug	4.73																										
Sep	4.09																										
Oct	3.79																										
Nov	3.83																										
Dec	3.36																										
 <p>Division 2: Western</p>	 <table border="1"> <thead> <tr> <th>Month</th> <th>Precipitation (inches)</th> </tr> </thead> <tbody> <tr><td>Jan</td><td>2.54</td></tr> <tr><td>Feb</td><td>1.90</td></tr> <tr><td>Mar</td><td>2.65</td></tr> <tr><td>Apr</td><td>3.04</td></tr> <tr><td>May</td><td>3.56</td></tr> <tr><td>Jun</td><td>3.68</td></tr> <tr><td>Jul</td><td>4.07</td></tr> <tr><td>Aug</td><td>4.29</td></tr> <tr><td>Sep</td><td>3.88</td></tr> <tr><td>Oct</td><td>3.37</td></tr> <tr><td>Nov</td><td>3.36</td></tr> <tr><td>Dec</td><td>2.65</td></tr> </tbody> </table>	Month	Precipitation (inches)	Jan	2.54	Feb	1.90	Mar	2.65	Apr	3.04	May	3.56	Jun	3.68	Jul	4.07	Aug	4.29	Sep	3.88	Oct	3.37	Nov	3.36	Dec	2.65
Month	Precipitation (inches)																										
Jan	2.54																										
Feb	1.90																										
Mar	2.65																										
Apr	3.04																										
May	3.56																										
Jun	3.68																										
Jul	4.07																										
Aug	4.29																										
Sep	3.88																										
Oct	3.37																										
Nov	3.36																										
Dec	2.65																										
 <p>Division 3: Southeastern</p>	 <table border="1"> <thead> <tr> <th>Month</th> <th>Precipitation (inches)</th> </tr> </thead> <tbody> <tr><td>Jan</td><td>3.82</td></tr> <tr><td>Feb</td><td>2.94</td></tr> <tr><td>Mar</td><td>3.87</td></tr> <tr><td>Apr</td><td>3.86</td></tr> <tr><td>May</td><td>4.22</td></tr> <tr><td>Jun</td><td>3.97</td></tr> <tr><td>Jul</td><td>3.95</td></tr> <tr><td>Aug</td><td>4.13</td></tr> <tr><td>Sep</td><td>3.78</td></tr> <tr><td>Oct</td><td>3.91</td></tr> <tr><td>Nov</td><td>4.14</td></tr> <tr><td>Dec</td><td>3.76</td></tr> </tbody> </table>	Month	Precipitation (inches)	Jan	3.82	Feb	2.94	Mar	3.87	Apr	3.86	May	4.22	Jun	3.97	Jul	3.95	Aug	4.13	Sep	3.78	Oct	3.91	Nov	4.14	Dec	3.76
Month	Precipitation (inches)																										
Jan	3.82																										
Feb	2.94																										
Mar	3.87																										
Apr	3.86																										
May	4.22																										
Jun	3.97																										
Jul	3.95																										
Aug	4.13																										
Sep	3.78																										
Oct	3.91																										
Nov	4.14																										
Dec	3.76																										

*Data obtained from: National Climatic Data Center. *Climatology of the United States No. 85: Divisional Normals and Standard Deviations of Temperature, Precipitation, and Heating and Cooling Degree Days 1971-2000*. Obtained December 9th, 2005 from the World Wide Web: http://www5.ncdc.noaa.gov/climatenormals/clim85/CLIM85_PRCP02.pdf

Table 2: Rainfall Depths Associated with the 1-Year, 2-Year, 10-Year, and 100-Year, 24-Hour Storm Event in Vermont

Vermont County	1-yr, 24-hr Rainfall Depth	2-yr, 24-hr Rainfall Depth	10-yr, 24-hr Rainfall Depth	100-yr, 24-hr Rainfall Depth
Addison	2.2	2.4	3.4	5.4
Bennington	2.3	2.8	4.0	6.8
Caledonia	2.2	2.3	3.1	5.4
Chittenden	2.1	2.3	3.2	5.2
Essex	2.2	2.3	3.1	5.1
Franklin	2.1	2.3	3.1	5.2
Grand Isle	2.1	2.2	3.1	5.1
Lamoille	2.1	2.4	3.4	5.7
Orange	2.2	2.4	3.4	5.7
Orleans	2.1	2.2	3.1	5.0
Rutland	2.3	2.5	3.7	5.9
Washington	2.2	2.4	3.4	5.4
Windham	2.3	2.8	4.0	6.8
Windsor	2.3	2.5	3.7	5.9

Appendix D. Facilities and Activities Covered

Your permit eligibility is limited to discharges from facilities in the “sectors” of industrial activity summarized in Table D-1. These sector descriptions are based on Standard Industrial Classification (SIC) Codes and Industrial Activity Codes. References to “sectors” in this permit (e.g., sector-specific monitoring requirements) refer to these groupings.

Table D-1. Sectors of Industrial Activity Covered by This Permit	
SIC Code or Activity Code¹	Activity Represented
SECTOR A: TIMBER PRODUCTS	
2411	Log Storage and Handling (Wet deck storage areas authorized only if no chemical additives are used in the spray water or applied to the logs)
2421	General Sawmills and Planing Mills
2426	Hardwood Dimension and Flooring Mills
2429	Special Product Sawmills, Not Elsewhere Classified
2431-2439 (except 2434)	Millwork, Veneer, Plywood, and Structural Wood (see Sector W)
2441-2449	Wood Containers
2451, 2452	Wood Buildings and Mobile Homes
2491	Wood Preserving
2493	Reconstituted Wood Products
2499	Wood Products, Not Elsewhere Classified
SECTOR B: PAPER AND ALLIED PRODUCTS	
2611	Pulp Mills
2621	Paper Mills
2631	Paperboard Mills
2652-2657	Paperboard Containers and Boxes
2671-2679	Converted Paper and Paperboard Products, Except Containers and Boxes
SECTOR C: CHEMICALS AND ALLIED PRODUCTS	
2812-2819	Industrial Inorganic Chemicals
2821-2824	Plastics Materials and Synthetic Resins, Synthetic Rubber, Cellulosic and Other Manmade Fibers Except Glass
2833-2836	Medicinal Chemicals and Botanical Products; Pharmaceutical Preparations; in vitro and in vivo Diagnostic Substances; and Biological Products, Except Diagnostic Substances
2841-2844	Soaps, Detergents, and Cleaning Preparations; Perfumes, Cosmetics, and Other Toilet Preparations
2851	Paints, Varnishes, Lacquers, Enamels, and Allied Products
2861-2869	Industrial Organic Chemicals

Table D-1. Sectors of Industrial Activity Covered by This Permit	
SIC Code or Activity Code¹	Activity Represented
2873-2879	Agricultural Chemicals
2891-2899	Miscellaneous Chemical Products
3952 (limited to list)	Inks and Paints, Including China Painting Enamels, India Ink, Drawing Ink, Platinum Paints for Burnt Wood or Leather Work, Paints for China Painting, Artist's Paints and Artist's Watercolors
SECTOR D: ASPHALT PAVING AND ROOFING MATERIALS AND LUBRICANTS	
2951, 2952	Asphalt Paving and Roofing Materials
2992, 2999	Miscellaneous Products of Petroleum and Coal
SECTOR E: GLASS, CLAY, CEMENT, CONCRETE, AND GYPSUM PRODUCTS	
3211	Flat Glass
3221, 3229	Glass and Glassware, Pressed or Blown
3231	Glass Products Made of Purchased Glass
3241	Hydraulic Cement
3251-3259	Structural Clay Products
3261-3269	Pottery and Related Products
3271-3275	Concrete, Gypsum, and Plaster Products
3281	Cut Stone and Stone Products
3291-3299	Abrasive, Asbestos, and Miscellaneous Nonmetallic Mineral Products
SECTOR F: PRIMARY METALS	
3312-3317	Steel Works, Blast Furnaces, and Rolling and Finishing Mills
3321-3325	Iron and Steel Foundries
3331-3339	Primary Smelting and Refining of Nonferrous Metals
3341	Secondary Smelting and Refining of Nonferrous Metals
3351-3357	Rolling, Drawing, and Extruding of Nonferrous Metals
3363-3369	Nonferrous Foundries (Castings)
3398, 3399	Miscellaneous Primary Metal Products
SECTOR G: METAL MINING (ORE MINING AND DRESSING)	
1011	Iron Ores
1021	Copper Ores
1031	Lead and Zinc Ores
1041, 1044	Gold and Silver Ores
1061	Ferroalloy Ores, Except Vanadium
1081	Metal Mining Services
1094, 1099	Miscellaneous Metal Ores
SECTOR H: COAL MINES AND COAL MINING-RELATED FACILITIES	
1221-1241	Coal Mines and Coal Mining-Related Facilities

Table D-1. Sectors of Industrial Activity Covered by This Permit	
SIC Code or Activity Code¹	Activity Represented
SECTOR I: OIL AND GAS EXTRACTION AND REFINING	
1311	Crude Petroleum and Natural Gas
1321	Natural Gas Liquids
1381-1389	Oil and Gas Field Services
2911	Petroleum Refineries
SECTOR J: MINERAL MINING AND DRESSING	
1411	Dimension Stone
1422-1429	Crushed and Broken Stone, Including Rip Rap
1442, 1446	Sand and Gravel
1455, 1459	Clay, Ceramic, and Refractory Materials
1474-1479	Chemical and Fertilizer Mineral Mining
1481	Nonmetallic Minerals Services, Except Fuels
1499	Miscellaneous Nonmetallic Minerals, Except Fuels
SECTOR K: HAZARDOUS WASTE TREATMENT, STORAGE, OR DISPOSAL FACILITIES	
HZ	Hazardous Waste Treatment, Storage, or Disposal Facilities, including those that are operating under interim status or a permit under subtitle C of RCRA
SECTOR L: LANDFILLS, LAND APPLICATION SITES, AND OPEN DUMPS	
LF	Landfills, Land Application Sites, and Open Dumps that receive or have received any industrial wastes (waste that is received from any of the facilities described in Table D-1) including those that are subject to regulation under subtitle D of RCRA
SECTOR M: AUTOMOBILE SALVAGE YARDS	
5015	Automobile Salvage Yards
SECTOR N: SCRAP RECYCLING FACILITIES	
5093	Scrap Recycling Facilities
SECTOR O: STEAM ELECTRIC GENERATING FACILITIES	
SE	Steam Electric Generating Facilities, including coal handling sites
SECTOR P: LAND TRANSPORTATION AND WAREHOUSING	
4011, 4013	Railroad Transportation
4111-4173	Local and Highway Passenger Transportation
4212-4231	Motor Freight Transportation and Warehousing
4311	United States Postal Service
5171	Petroleum Bulk Stations and Terminals
SECTOR Q: WATER TRANSPORTATION	
4412-4499	Water Transportation
SECTOR R: SHIP AND BOAT BUILDING AND REPAIRING YARDS	
3731, 3732	Ship and Boat Building or Repairing Yards

Table D-1. Sectors of Industrial Activity Covered by This Permit	
SIC Code or Activity Code¹	Activity Represented
SECTOR S: AIR TRANSPORTATION FACILITIES	
4512-4581	Air Transportation Facilities
SECTOR T: TREATMENT WORKS	
TW	Treatment Works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge that are located within the confines of the facility, with a design flow of 1.0 mgd or more, or required to have an approved pretreatment program under 40 CFR Part 403. Not included are farm lands, domestic gardens or lands used for sludge management where sludge is beneficially reused and which are not physically located in the confines of the facility, or areas that are in compliance with section 405 of the CWA.
SECTOR U: FOOD AND KINDRED PRODUCTS	
2011-2015	Meat Products
2021-2026	Dairy Products
2032-2038	Canned, Frozen, and Preserved Fruits, Vegetables, and Food Specialties
2041-2048	Grain Mill Products
2051-2053	Bakery Products
2061-2068	Sugar and Confectionery Products
2074-2079	Fats and Oils
2082-2087	Beverages
2091-2099	Miscellaneous Food Preparations and Kindred Products
2111-2141	Tobacco Products
SECTOR V: TEXTILE MILLS, APPAREL, AND OTHER FABRIC PRODUCT MANUFACTURING; LEATHER AND LEATHER PRODUCTS	
2211-2299	Textile Mill Products
2311-2399	Apparel and Other Finished Products Made from Fabrics and Similar Materials
3131-3199 (except 3111)	Leather and Leather Products, Except Leather Tanning and Finishing (see Sector Z)
SECTOR W: FURNITURE AND FIXTURES	
2434	Wood Kitchen Cabinets
2511-2599	Furniture and Fixtures
SECTOR X: PRINTING AND PUBLISHING	
2711-2796	Printing, Publishing, and Allied Industries
SECTOR Y: RUBBER, MISCELLANEOUS PLASTIC PRODUCTS, AND MISCELLANEOUS MANUFACTURING INDUSTRIES	
3011	Tires and Inner Tubes
3021	Rubber and Plastics Footwear

Table D-1. Sectors of Industrial Activity Covered by This Permit	
SIC Code or Activity Code¹	Activity Represented
3052, 3053	Gaskets, Packing and Sealing Devices, and Rubber and Plastic Hoses and Belting
3061, 3069	Fabricated Rubber Products, Not Elsewhere Classified
3081-3089	Miscellaneous Plastics Products
3931	Musical Instruments
3942-3949	Dolls, Toys, Games, and Sporting and Athletic Goods
3951-3955 (except 3952 facilities as specified in Sector C)	Pens, Pencils, and Other Artists' Materials
3961, 3965	Costume Jewelry, Costume Novelties, Buttons, and Miscellaneous Notions, Except Precious Metal
3991-3999	Miscellaneous Manufacturing Industries
SECTOR Z: LEATHER TANNING AND FINISHING	
3111	Leather Tanning and Finishing
SECTOR AA: FABRICATED METAL PRODUCTS	
3411-3499	Fabricated Metal Products, Except Machinery and Transportation Equipment, and Coating, Engraving, and Allied Services.
3911-3915	Jewelry, Silverware, and Plated Ware
SECTOR AB: TRANSPORTATION EQUIPMENT, INDUSTRIAL OR COMMERCIAL MACHINERY	
3511-3599 (except 3571-3579)	Industrial and Commercial Machinery, Except Computer and Office Equipment (see Sector AC)
3711-3799 (except 3731, 3732)	Transportation Equipment Except Ship and Boat Building and Repairing (see Sector R)
SECTOR AC: ELECTRONIC, ELECTRICAL, PHOTOGRAPHIC, AND OPTICAL GOODS	
3571-3579	Computer and Office Equipment
3612-3699	Electronic and Electrical Equipment and Components, Except Computer Equipment
3812-3873	Measuring, Analyzing, and Controlling Instruments; Photographic and Optical Goods, Watches, and Clocks
SECTOR AD: NON-CLASSIFIED FACILITIES	
N/A	Other stormwater discharges designated by the Secretary as needing a permit (see 40 CFR 122.26(a)(9)(i)(C) & (D)) or any facility discharging stormwater associated with industrial activity not described by any of Sectors A-AC. NOTE: Facilities may not elect to be covered under Sector AD. Only the Secretary may assign a facility to Sector AD.

¹ A complete list of SIC Codes (and conversions from the newer North American Industry Classification System”

(NAICS)) can be obtained from the Internet at www.census.gov/epcd/www/naics.html or in paper form from various locations in the document titled *Handbook of Standard Industrial Classifications*, Office of Management and Budget, 1987.

Appendix E. Compliance and screening procedures relating to species listed and critical habitat designated under the Endangered Species Act.

The Secretary may determine that non-compliance with the requirements of this Appendix results in ineligibility under this permit. You must meet one or more of the following six criteria (A-F) in order to comply with this permit:

- Criterion A. No state or federally-listed threatened or endangered species or their federally-designated critical habitat are in proximity to your facility; or
- Criterion B. Consultation has been performed for a separate federal action regarding your facility under Section 7 of the federal Endangered Species Act between a Federal agency and the federal Fish and Wildlife Service and/or the National Marine Fisheries Service (together, the “Services”). Consultations can be either formal or informal, and would have occurred only as a result of a separate action (e.g., during application for an individual wastewater discharge permit, the issuance of a wetlands dredge and fill permit, or as a result of a NEPA review).

The consultation must have addressed the effects of the facility’s stormwater discharges, allowable non-stormwater discharges, and stormwater discharge-related activities on state and federally-listed threatened or endangered species and federally-designated critical habitat, and resulted in either:

- i. a biological opinion finding no jeopardy to federally-listed species or destruction/adverse modification of federally-designated critical habitat; or
 - ii. written concurrence from the Services with a finding that the facility’s stormwater discharges associated with industrial activity and allowable non-stormwater discharges are not likely to adversely affect any federally-listed species or federally-designated critical habitat; or
- Criterion C. In the case that a State listed species is identified, the industrial activities are authorized through the issuance of an Endangered and Threatened Species permit under 10 VSA section 5408 and that authorization addresses the effects of the stormwater discharges associated with industrial activity and allowable non-stormwater discharges on state-listed species. In the case that a Federally listed species is identified, the industrial activities are authorized through the issuance of a permit under section 10 of the ESA and the issuance of an Endangered and Threatened Species permit under 10 VSA section 5408, and those authorizations address the effects of the stormwater discharges associated with industrial activity and allowable non-stormwater discharges on listed species and designated critical habitat; or
- Criterion D. Coordination between the operator and the Services has been concluded or between the operator and Vermont Fish and Wildlife has been concluded. The

coordination must have addressed the effects of the facility's storm water discharges associated with industrial activity and allowable non-storm water discharges on federally-listed threatened or endangered species and federally-designated critical habitat, or upon State listed threatened or endangered species as required. The result of the coordination must be a written statement from the Services or from the State, as applicable, that there are not likely to be any adverse effects to federally-listed species or federally-designated critical habitat, or State-listed species as applicable. Any conditions or prerequisites deemed necessary to achieve no adverse effects become compliance conditions for MSGP coverage; or

Criterion E. Stormwater discharges associated with industrial activity and allowable non-stormwater discharges are not likely to adversely affect any state or federally-listed endangered and threatened species or federally designated critical habitat; or

Criterion F. The facility's stormwater discharges associated with industrial activity and allowable non-stormwater discharges were already addressed in another operator's SWPPP under Criteria A-D which included the industrial activities and there is no reason to believe that state and federally-listed species or state and federally-designated critical habitat not considered in the prior certification may be present or located in proximity to the facility. To certify compliance under this criterion there must be no lapse of coverage in the other operator's certification. By certifying compliance under this criterion, you agree to comply with any measures or controls upon which the other operator's certification was based. You must comply with any applicable terms, conditions, or other requirements developed in the process of meeting the eligibility requirements of the criteria in this section to remain in compliance with this permit. Such terms and conditions must be documented and incorporated into your Stormwater Pollution Prevention Plan (SWPPP).

Assessing Your Facility Discharges

You must follow these procedures to assess the potential effects of stormwater discharges and stormwater discharge-related activities on state and federally listed species and the critical habitat of any federally-listed species. When evaluating these potential effects, you must evaluate your entire facility. For purposes of these procedures, the term "facility" is inclusive of the term "Action Area." Action area is defined in 50 CFR §402.02 as all areas to be affected directly or indirectly by the federal action and not merely the immediate area involved in the action. This includes areas beyond the footprint of the facility that may be affected by stormwater discharges and stormwater discharge related activities. "Facility" is defined in Appendix A. Note that dischargers who are able to certify compliance under Criterion B, C, D, or F because they have both a previously issued ESA section 10 permit and an Endangered and Threatened Species

permit under 10 VSA section 5408 , a previously completed ESA section 7 consultation and consultation with the Vermont Department of Fish and Wildlife, or because their activities were already addressed in another discharger's certification of compliance, may proceed directly to Step Four.

Step One: Determine if Listed Threatened or Endangered Species and Federally Designated Critical Habitat are Present On or Near Your Facility.

You must first determine whether state or federally-listed species commonly reside in your area. The Vermont Agency of Natural Resources maintains a web site showing the location of all State and Federally listed species in Vermont. If you know the location or the latitude and longitude of your facility, you can visit: <http://www.anr.state.vt.us/site/html/maps.htm> and obtain the necessary information. A species is in "proximity" to a storm water or allowable non-storm water discharge when the species is located in the path or down gradient area through which or over which the point source discharge flows from industrial activities to the point of discharge into the receiving water, and once discharged into the receiving water, in the immediate vicinity of, or nearby, the discharge point. A species is also in "proximity" if it is located in the area of a site where discharge-related activities occur. If you determine there are no species in proximity to the storm water or allowable non-storm water discharges, or discharge-related activities, then there is no likelihood of jeopardizing the species and you are eligible for permit coverage, having satisfied your compliance obligations under Criterion A. If there are listed species or critical habitat on or near your project area you should contact the Vermont Department of Fish and Wildlife and you will need to do one or more of the following:

- Conduct visual inspections. This method may be particularly suitable for facilities that are smaller in size or located in non-natural settings such as highly urbanized areas or industrial parks where there is little or no natural habitat, or for facilities that discharge directly into municipal separate storm sewer systems; or
- Conduct a formal biological survey (typically performed by environmental consulting firms). In some cases, particularly for larger facilities with extensive stormwater discharges, biological surveys may be an appropriate way to assess whether species are located on or near the project area and whether there are likely adverse effects to such species. A biological survey may in some cases be useful in conjunction with Steps Two, Three or Four of these instructions; or
- Conduct an environmental assessment under the National Environmental Policy Act (NEPA), if applicable. Such reviews may indicate if listed species are in proximity to the facility. Coverage under this MSGP may trigger such a review for new sources (that is, dischargers subject to New Source Performance Standards under section 306 of the Clean Water Act). Other facilities might require review under NEPA for other reasons, such as federal funding or other federal involvement in the facility. If listed threatened or endangered species or critical habitat are present in the project area, you must look at impacts to species and/or habitat when following Steps Two through Four. Note that

many but not all measures imposed to protect listed species under these steps will also protect critical habitat. Thus, meeting the compliance requirements of this MSGP may require measures to protect critical habitat that are separate from those to protect listed species.

Step Two: Determine if your facility's Stormwater Discharge Associated With Industrial Activity or Allowable Non-Stormwater Discharges Are Likely to Adversely Affect Listed Threatened or Endangered Species or Designated Critical Habitat

To ensure MSGP compliance, you must assess whether your stormwater discharges associated with industrial activity or allowable non-stormwater discharges are likely to adversely affect listed threatened or endangered species or designated critical habitat that are present on or near your facility. Potential adverse effects from stormwater discharges associated with industrial activity include:

- **Hydrological.** Stormwater discharges may cause siltation, sedimentation or induce other changes in receiving waters such as temperature, salinity or pH. These effects will vary with the amount of stormwater discharged and the volume and condition of the receiving water. Where a stormwater discharge constitutes a minute portion of the total volume of the receiving water, adverse hydrological effects are less likely. Industrial activity itself may also alter drainage patterns on a site where construction occurs that can impact listed species or critical habitat.
- **Habitat.** Site development, grading or other surface disturbances from industrial activities, including storage of materials and the installation or placement of stormwater BMPs, may adversely affect listed species or their habitat. Stormwater may drain or inundate listed species habitat.
- **Toxicity.** In some cases pollutants in stormwater may have toxic effects on listed species.

The scope of effects to consider will vary with each site. If you are having difficulty determining whether your facility is likely to adversely affect listed species or critical habitat, or the State of Vermont Department of Fish and Wildlife or a Federal agency has already raised concerns with your discharge, you must contact the appropriate office for assistance. If adverse effects are not likely, you have ensured compliance under Criterion E and can apply for coverage under the MSGP. If your stormwater discharge may adversely affect listed species or critical habitat, you must follow Step Three.

Step Three: Determine if Measures Can Be Implemented to Avoid Adverse Effects.

If you make a preliminary determination that adverse effects to listed species and/or critical habitat are likely to occur, you can still ensure compliance under Criterion E if immediate measures are undertaken to avoid or eliminate the likelihood of adverse effects and such measures are included in your SWPPP. These measures may be relatively simple, e.g., re-routing a stormwater discharge to bypass an area where species are located, relocating BMPs, or changing the "footprint" of the industrial activity. If you cannot ascertain which measures to implement to avoid the likelihood of adverse effects, you must follow Step Four (iii).

Step Four: Determine if the Compliance Requirements of Criterion B, C, D or F Can Be Met.

Where adverse effects are likely and you are uncertain about how to avoid or eliminate the likelihood of adverse effects, you must contact the Vermont Department of Fish and Wildlife and/or a Federal agency (see subpart iii below). However, you may still ensure compliance with the MSGP if any likely adverse effects can be addressed through meeting Criterion B, C, D, or F as follows:

- i. A consultation under ESA Section 7 has been performed for your industrial activity (see Criterion B).
- ii. In the case that a State listed species is identified, an Endangered and Threatened Species permit under 10 VSA § 5408 has been issued (see Criterion C). Stormwater discharges from your industrial facility may be in compliance with this MSGP if some activity is authorized through the issuance of a permit under 10 VSA § 5408 and that authorization addressed the effects of your stormwater discharges on state-listed species and any designated habitat.

In the case that a Federally listed species is identified, you must have both the Endangered and Threatened Species permit under 10 VSA § 5408 listed above and an incidental taking permit under Section 10 of the ESA that has been issued for your activity (see Criterion C). Stormwater discharges from your industrial facility may comply with this MSGP if some activity is authorized through the issuance of a permit under both 10 VSA § 5408 and section 10 of the ESA. These authorizations must address the effects of your stormwater discharges on state and federally-listed species and federally designated critical habitat. You must follow FWS and/or NOAA Fisheries Service procedures when applying for an ESA Section 10 permit (see 50 CFR §17.22(b)(1) for FWS and §222.22 for NOAA Fisheries Service). Application instructions for section 10 permits for FWS and NOAA Fisheries Service can be obtained by accessing the FWS and NOAA Fisheries Service websites (<http://www.fws.gov> and <http://www.nmfs.noaa.gov>) or by contacting the appropriate FWS and NOAA Fisheries Service regional office.

- iii. In the case of a state-listed species you have coordinated your activities with the Vermont Department of Fish and Wildlife (see Criterion D). In the absence of any other conditions set forth in Step Four, you may still be able to comply with the MSGP if the Vermont Department of Fish and Wildlife provides a letter or memorandum concluding that the direct and indirect effects of permitting your stormwater discharges will be unlikely to adversely affect listed species or to adversely modify designated critical habitat. If you adopt measures to avoid or eliminate adverse effects, per the Vermont Department of Fish and Wildlife requirements or recommendations, you must abide by those measures for the duration of your coverage under the MSGP. Any such measures must be

described in the Stormwater Pollution Prevention Plan and are enforceable MSGP conditions and/or conditions of this permit.

In the case of a federally listed species, you must have coordinated your activities with the Vermont Department of Fish and Wildlife as stated above and you must have coordinated your activities with the appropriate Federal agency (see Criterion D). In the absence of any other conditions set forth in Step Four, you may still be able to comply with the MSGP if a Federal agency provides a letter or memorandum concluding that the direct and indirect effects of permitting your stormwater discharges will be unlikely to adversely affect listed species or to adversely modify designated critical habitat. If you adopt measures to avoid or eliminate adverse effects, per the Service's requirements or recommendations, you must abide by those measures for the duration of your coverage under the MSGP. Any such measures must be described in the Stormwater Pollution Prevention Plan and are enforceable MSGP conditions and/or conditions of this permit.

- iv. You are covered under the compliance certification of another operator for the project area (see Criterion F). Your stormwater discharges were already addressed in another discharger's certification of compliance under Criteria A through E, which also included your facility and determined that state and federally listed endangered or threatened species or federally designated critical habitat would not be jeopardized. To certify compliance under this criterion there must be no lapse of coverage in the other operator's certification. By certifying compliance under Criterion F, you agree to comply with any measures or controls upon which the other discharge certification under Criterion B, C, or D was based.

You must comply with any terms and conditions imposed under the compliance requirements of Criterion A through F to ensure that your stormwater discharges are protective of listed species and/or federally-designated critical habitat. Such terms and conditions must be incorporated in the project's Stormwater Pollution Prevention Plan (SWPPP). If the compliance requirements cannot be met, then you are in violation of this permit and the Secretary may determine that you are not eligible for coverage under this MSGP. In these instances, you may consider applying to State of Vermont for an individual permit.

Appendix F: Notice of Intent Form



Vermont Agency of Natural Resources
Notice of Intent (NOI)
for Stormwater Discharges Associated with Industrial Activity under the
Vermont Multi-Sector General Permit 3-9003

Submission of this completed Notice of Intent (NOI) constitutes notice that the entity in Section A intends to be authorized to discharge pollutants to waters of the State, from the facility or site identified in Section B, under Vermont's Stormwater Multi-Sector General Permit (MSGP). Submission of the NOI also constitutes notice that the party identified in Section A of this form has read, understands, and meets the eligibility conditions of Part 1 of the MSGP; agrees to comply with all applicable terms and conditions of the MSGP; understands that continued authorization under the MSGP is contingent on maintaining eligibility for coverage, and that a Stormwater Pollution Prevention Plan (SWPPP) will be implemented per the deadline listed in Table 2-1 of the Vermont MSGP. In order to be granted coverage, all information required on this form must be provided. Please read and make sure you comply with all permit requirements, including the requirement to prepare and implement a SWPPP.

A. Facility Operator Information

1. Name: _____
2. Title: _____
3. Mailing Address: a. Street: _____

- b. City: _____ c. State: _____ d. Zip Code: _____
e. Phone: _____ f. Fax: _____ g. Email: _____

B. Facility/Site Information

1. Facility/Site Name: _____
2. This facility is New or Existing
3. Location Address: a. Street: _____
b. City: _____ c. County: _____ d. State: _____ e. Zip Code: _____
f. Latitude: __° __' __" g. Longitude: __° __' __" (at or near the center of the facility)

C. Industrial Activity Information

1. List the Standard Industrial Classification (SIC) code(s) that best represents the facility's industrial activity:
a. Primary SIC code: _____ b. Secondary (if applicable): _____
2. Applicable sector(s) of industrial activity, as designated in Appendix D-1 of the MSGP, that include associated discharges that you seek to have covered under this permit:
- | | | | | | |
|-----------------------------------|-----------------------------------|-----------------------------------|-----------------------------------|-----------------------------------|------------------------------------|
| <input type="checkbox"/> Sector A | <input type="checkbox"/> Sector F | <input type="checkbox"/> Sector K | <input type="checkbox"/> Sector P | <input type="checkbox"/> Sector U | <input type="checkbox"/> Sector Z |
| <input type="checkbox"/> Sector B | <input type="checkbox"/> Sector G | <input type="checkbox"/> Sector L | <input type="checkbox"/> Sector Q | <input type="checkbox"/> Sector V | <input type="checkbox"/> Sector AA |
| <input type="checkbox"/> Sector C | <input type="checkbox"/> Sector H | <input type="checkbox"/> Sector M | <input type="checkbox"/> Sector R | <input type="checkbox"/> Sector W | <input type="checkbox"/> Sector AB |
| <input type="checkbox"/> Sector D | <input type="checkbox"/> Sector I | <input type="checkbox"/> Sector N | <input type="checkbox"/> Sector S | <input type="checkbox"/> Sector X | <input type="checkbox"/> Sector AC |
| <input type="checkbox"/> Sector E | <input type="checkbox"/> Sector J | <input type="checkbox"/> Sector O | <input type="checkbox"/> Sector T | <input type="checkbox"/> Sector Y | <input type="checkbox"/> Sector AD |

D. Receiving Water Information

1. Name of the facility's receiving water : _____
Does stormwater from your facility drain to a Municipal Separate Storm Sewer System (MS4)?
 Yes No If yes, name of MS4 operator (state/ city/ or town name): _____

E. Certification

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, I certify that the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I certify that I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

Printed Name: _____

Title: _____

Signature: _____

Date: _____

You must provide a hand signed copy of this NOI and the "Instructions for Public Comment, Appeals, and Posting the NOI" to the municipal clerk of the municipality in which the discharge is located at the time your NOI is submitted.

Send the original, signed NOI form, along with a check made out to the State of Vermont for \$150 (application review and processing fee) to:

VT DEC
Water Quality Division
Stormwater Section - MSGP
103 South Main Street, 10N
Waterbury, VT 05671-0408

DEC USE ONLY	Date NOI received:	Date fee received:	Permit # _____ - 9003
--------------	--------------------	--------------------	-----------------------

Instructions for completing the Notice of Intent for Stormwater Discharge Associated with Industrial Activity under the Vermont Multi-Sector General Permit 3-9003

A. Facility Operator Information

1. Enter the legal name of the person, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or other legal entity that operates the facility or site described in the application. The name of the operator may or may not be the same as the name of the facility. The responsible party is the legal entity that controls the facility's operation, rather than the plant or site manager.
2. Provide the title of the facility operator.
3. Provide the mailing address of the facility operator. Include the street address or P.O. Box, City, State, and Zip code. All correspondence regarding the permit will be sent to this address, not the facility address listed on the form.

B. Facility/Site Information

1. Enter the official or legal name of the facility or site.
 2. Check if the facility is new or existing.
 3. Enter the complete street address (if no street address exists, provide a geographic description [e.g., Intersection of Route 9 and 55]), City, State, and Zip code. Do not use a P.O. Box.
- f/g. Enter the latitude and longitude of the approximate center of the facility or site in degrees/minutes/seconds (for example, latitude: 44° 15' 40", longitude: -72° 34' 35") Latitude and longitude can be obtained from the U.S. Geological Survey (USGS) maps or by using EPA's web-based facility siting tool at: http://www.epa.gov/tri/report/siting_tool/index.htm

C. Industrial Activity Information

1. List your primary and secondary (if applicable) 4-digit Standard Industrial Classification (SIC) code or 2-character Activity Code that best describe the principle products or services provided at the facility or site identified. Instructions on how to identify your facility's SIC code can be found at: http://www.vtwaterquality.org/stormwater/html/sw_msgp.htm
2. Check the sector that applies to your industrial activity.

D. Receiving Water Information

1. Enter the name(s) of the facility's receiving water.
 - Your facility's receiving water is the first water of the state that stormwater from your site enters or drains to.
 - If the receiving water does not have a name, it is a tributary of the first named waterbody that it flows into. Enter "Unnamed tributary of _____ river/stream/brook".
 - To identify your receiving water, locate your facility on a USGS map or use the USGS layer on Stormwater Site Locator map at: http://maps.anr.state.vt.us/website/sw_viewer/viewer.htm.
 - Identify any MS4 that your site discharges to. An MS4 is defined as a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that is owned or operated by a state, city, town, or other public body and is designed or used for collecting or conveying stormwater.

E. Certification

Caution: The original signature must be on the form submitted to DEC (no copies or faxes will be accepted). An unsigned or undated NOI will prevent the granting of MSGP coverage.

Printed Name and Title: For a corporation, the NOI must be signed by a responsible corporate officer, which means: (i) president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures; for a partnership or sole proprietorship: by a general partner or the proprietor; or for a municipal, State, or other public facility: by either a principal executive or ranking elected official.

Appendix G: No Exposure Certification Form

Vermont Agency of Natural Resources
 Conditional Exclusion from the Multi-Sector General Permit 3-9003
No Exposure Certification

Submission of this No Exposure Certification constitutes notice that the entity identified in Section A does not require permit authorization for its stormwater discharges associated with industrial activity under the Vermont Multi-Sector General Permit (MSGP) due to the existence of a condition of no exposure. Facilities with No Exposure Certifications are obligated to comply with the terms and conditions of the VT MSGP 3-9003 in order to maintain eligibility for exclusion.

A condition of no exposure exists at an industrial facility when all industrial materials and activities are protected by a storm resistant shelter to prevent exposure to rain, snow, snowmelt, and/or runoff. Industrial materials or activities include, but are not limited to, material handling equipment or activities, industrial machinery, raw materials, intermediate products, by-products, final products, or waste products. Material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, final product or waste product. A storm resistant shelter is not required for the following industrial materials and activities:

- drums, barrels, tanks, and similar containers that are tightly sealed, provided those containers are not deteriorated and do not leak. "Sealed" means banded or otherwise secured and without operational taps or valves;
- adequately maintained vehicles used in material handling; and
- final products, other than products that would be mobilized in stormwater discharge (e.g., rock salt).

A No Exposure Certification must be provided for each facility qualifying for the no exposure exclusion. In addition, the exclusion from the MSGP is available on a facility-wide basis only, not for individual outfalls. If any industrial activities or materials are or will be exposed to precipitation, the facility is not eligible for the no exposure exclusion.

By signing and submitting this No Exposure Certification form, the entity in Section A is certifying that a condition of no exposure exists at its facility or site, and is obligated to comply with the terms and conditions of the Vermont MSGP 3-9003.

ALL INFORMATION MUST BE PROVIDED ON THIS FORM.

A. Facility Operator Information

1. Name: _____ 2. Title: _____
 3. Mailing Address: a. Street: _____

 b. City: _____ c. State: _____ d. Zip Code: _____
 e. Phone: _____ f. Fax: _____ g. Email: _____

B. Facility/Site Information

1. Facility/Site Name: _____
 2. Location Address: a. Street: _____
 b. City: _____ c. County: _____ d. State: _____ e. Zip Code: _____
 f. Latitude: __° __' __" g. Longitude: __° __' __" (at or near the center of the facility)
 3. Was or is the facility covered under a NPDES permit? Yes No
 a. If yes, list the permit number: _____

C. Industrial Activity Information

1. List the Standard Industrial Classification (SIC) code(s) that best represents the facility's industrial activity:
 a. Primary SIC code: _____ b. Secondary (if applicable): _____
 2. Total size of site associated with industrial activity: _____ square feet
 3. Have you made any physical changes to your facility in order to achieve No Exposure?
 Yes No
 If yes, please describe. _____

D. Exposure Checklist

Are any of the following materials or activities exposed to precipitation, now or in the foreseeable future? Please check either "Yes" or "No" in the appropriate box. If you answer "Yes" to any of these questions (1) through (11), you are not eligible for the no exposure exclusion.

	Yes	No
1. Using, storing or cleaning industrial machinery or equipment, and areas where residuals from using, storing or cleaning industrial machinery or equipment remain and are exposed to stormwater	<input type="checkbox"/>	<input type="checkbox"/>
2. Materials or residuals on the ground or in stormwater inlets from spills/leaks	<input type="checkbox"/>	<input type="checkbox"/>
3. Materials or products from past industrial activity	<input type="checkbox"/>	<input type="checkbox"/>
4. Material handling equipment (except adequately maintained vehicles)	<input type="checkbox"/>	<input type="checkbox"/>
5. Materials or products during loading/unloading or transporting activities	<input type="checkbox"/>	<input type="checkbox"/>
6. Materials or products stored outdoors (except final products intended for outside use [e.g. new cars] where exposure to stormwater does not result in the discharge of pollutants)	<input type="checkbox"/>	<input type="checkbox"/>
7. Materials contained in open, deteriorated or leaking storage drums, barrels, tanks, and similar containers	<input type="checkbox"/>	<input type="checkbox"/>
8. Materials or products handled/stored on roads or railways owned or maintained by the discharger	<input type="checkbox"/>	<input type="checkbox"/>
9. Waste material (except waste in covered, non-leaking containers [e.g. dumpsters])	<input type="checkbox"/>	<input type="checkbox"/>
10. Application or disposal of process wastewater (unless otherwise permitted)	<input type="checkbox"/>	<input type="checkbox"/>
11. Particulate matter or visible deposits of residuals from roof stacks and/or vents not otherwise regulated (i.e. under an air quality control permit) and evident in stormwater outflow	<input type="checkbox"/>	<input type="checkbox"/>

E. Certification

I certify under penalty of law that I have read and understand the eligibility requirements for claiming a condition of "No Exposure" and obtaining a conditional exclusion from the requirements of this General Permit; and that there are no discharges of stormwater contaminated by exposure to industrial activities or materials from the industrial facility identified in this document (except as allowed under Section 1.3 of this General Permit 3-9003).

I understand that I am obligated to submit a No Exposure certification form once every five years to the Vermont Agency of Natural Resources and, if applicable, to the operator of the local municipal separate storm sewer system (MS4) into which this facility discharges. I understand that I must allow the Agency, or MS4 operator where the discharge is into the local MS4, to perform inspections to confirm the condition of no exposure and to make such inspection reports publicly available upon request. I understand that I must obtain coverage under this General Permit 3-9003 in the event that the information in the certification changes and the facility is no longer eligible for the conditional exclusion.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based upon my inquiry of the person or persons who manage the system, or those persons directly involved in gathering the information, the information submitted is to the best of my knowledge and belief true, accurate and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Printed Name: _____

Title: _____

Signature: _____

Date: _____

Send No Exposure certification form to:

VT DEC
Water Quality Division
Stormwater Section – MSGP
103 South Main Street, 10 N
Waterbury, VT 05671-0408

**Instructions for completing the No Exposure Certification for Stormwater Discharge
Associated with Industrial Activity under the Vermont Multi-Sector General Permit 3-9003**

A. Facility Operator Information

1. Enter the legal name of the person, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or other legal entity that operates the facility or site described in the application. The name of the operator may or may not be the same as the name of the facility. The responsible party is the legal entity that controls the facility's operation, rather than the plant or site manager.
2. Provide the title of the facility operator.
3. Provide the mailing address of the facility operator. Include the street address or P.O. Box, City, State, and Zip code. All correspondence regarding the permit will be sent to this address, not the facility address listed on the form.

B. Facility/Site Information

1. Enter the official or legal name of the facility or site.
2. Enter the complete street address, City, State, and Zip code (i.e. "911" street address). Do not use a P.O. Box.
- f/g. Enter the latitude and longitude of the approximate center of the facility or site in degrees/minutes/seconds (for example, latitude: 44° 15' 40", longitude: -72° 34' 35") Latitude and longitude can be obtained from the U.S. Geological Survey (USGS) maps or by using EPA's web-based facility siting tool at: http://www.epa.gov/tri/report/siting_tool/index.htm
3. Identify if the facility was or is covered under a National Pollutant Discharge Elimination System (NPDES) permit and provide the permit number.

C. Industrial Activity Information

1. List your primary and secondary (if applicable) 4-digit Standard Industrial Classification (SIC) code or 2-character Activity Code that best describe the principle products or services provided at the facility or site identified. Instructions on how to identify your facility's SIC code can be found at: http://www.vtwaterquality.org/stormwater/htm/sw_msgp.htm
2. Enter the total size of the site associated with the industrial activity in square feet.
3. Check "yes" or "no" as appropriate to indicate whether you have made physical changes to your facility to qualify for no exposure. If yes, please describe your modifications to the facility.

D. Exposure Checklist

Check "yes" or "no" as appropriate to describe the exposure conditions at your facility. If you answer "Yes" to ANY of the questions (1) through (11) in this section, a potential for exposure exists at your site and you cannot certify to a condition of no exposure. You must obtain (or already have) coverage under the Vermont MSGP 3-9003. After obtaining permit coverage, you can institute modifications to eliminate the potential for a discharge of stormwater exposed to industrial activity, and then certify to a condition of no exposure.

E. Certification

Caution: The original signature must be on the form submitted to DEC (no copies or faxes will be accepted). An unsigned or undated No Exposure Certification will prevent the granting of a Conditional Exclusion of No Exposure.

Printed Name and Title: For a corporation, the No Exposure Certification must be signed by a responsible corporate officer, which means: (i) president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures; for a partnership or sole proprietorship: by a general partner or the proprietor; or for a municipal, State, or other public facility: by either a principal executive or ranking elected official.

Appendix H: Notice of Termination Form



Vermont Agency of Natural Resources
Notice of Termination (NOT)
of Coverage Under the Vermont Multi-Sector General Permit for
Stormwater Discharges Associated with Industrial Activity 3-9003

Submission of this Notice of Termination constitutes notice that the party identified in Section B of this form is no longer authorized to discharge stormwater associated with industrial activity under the Multi-Sector General Permit (MSGP) program for the facility identified in Section C of this form. If you are seeking a conditional exclusion from the MSGP, you must submit a No Exposure Certification form. ALL NECESSARY INFORMATION MUST BE INCLUDED ON THIS FORM.

A. Permit Information

1. MSGP Number: _____ - 9003

2. Reason for Termination

- You transferred ownership to another operator.
 You terminated facility operations and there are no longer stormwater discharges associated with industrial activity.
 You obtained coverage under an individual permit.

B. Facility Operator Information

1. Name: _____

2. Mailing Address: a. Street: _____

a. City: _____ b. State: _____ c. Zip Code: _____

d. Phone: _____ f. Fax: _____ g. Email: _____

C. Facility/Site Information

1. Facility/Site Name: _____

3. Location Address: a. Street: _____

a. City: _____ b. County: _____ c. State: _____ d. Zip Code: _____

e. Latitude: ___ ° ___ ' ___ " f. Longitude: ___ ° ___ ' ___ "

D. Certification

I certify under penalty of law that all stormwater discharges associated with industrial activity from the identified facility that are authorized by the Vermont MSGP have been eliminated or that I am no longer the operator of the facility or construction site. I understand that by submitting this Notice of Termination, I am no longer authorized to discharge stormwater associated with industrial activity under this general permit, and that discharging pollutants in stormwater associated with industrial activity to waters of the Vermont is unlawful under the Clean Water Act where the discharge is not authorized by a NPDES Permit. I also understand that the submittal of this Notice of Termination does not release an operator from liability for any violations of this permit or the Clean Water Act.

Printed Name: _____

Title: _____

Signature: _____

Date: _____

Submit this form to:
VT DEC- Water Quality Division
Stormwater Section – MSGP
103 South Main Street, 10 N
Waterbury, VT 05671-0408
