

2. Stormwater Pollution Prevention Plan (SWPPP).

Facilities which did not exist before the effective date of this permit must prepare and implement a SWPPP for their facility before submitting a Notice of Intent (NOI) for permit coverage.

Facilities which are in existence on or before the effective date of this permit must implement their SWPPP in accordance with the schedule provided in Table 2-1.

Your SWPPP must include Best Management Practices (BMPs), economically reasonable and appropriate in light of current industry practices, that are selected, designed, installed, implemented and maintained in accordance with good engineering practices to eliminate or reduce all pollutants in your discharge, as well as any more stringent measures necessary to meet the water quality standards provisions of Parts 1.5.3 and 1.5.4.

Your SWPPP must:

- identify all potential sources of pollution that may reasonably be expected to affect the quality of stormwater discharges from your facility;
- ensure that your stormwater discharges, allowable non-stormwater discharges, and stormwater discharge-related activities are not likely to jeopardize the continued existence of any State or Federally listed threatened or endangered species or result in the destruction or adverse modification of critical habitat;
- describe and ensure implementation of practices you will use to eliminate or reduce all pollutants in stormwater discharges from the facility;
- ensure compliance with the terms and conditions of this permit;
- include all necessary measures to ensure that the discharge complies with all water quality provisions of Part 1.5., and;
- for eligible existing facilities, be submitted to the Agency on or before the deadline set forth in Table 2-1 as a demonstration of compliance with the deadline set forth in table 2-1.

Table 2-1. SWPPP Implementation Deadline for Discharges Existing Before Permit Effective Date

<u>Group</u>	<u>Sectors</u>	<u>SWPPP Implementation Deadline</u>
ALL	ALL	270 days after the effective date of this permit

Notwithstanding the timetable set forth in Table 2-1, you must implement the BMPs required by Sections 2.1.5.1 through 2.1.5.7 as expeditiously as possible.

Notwithstanding the timetable set forth in Table 2-1, the Agency strongly encourages permittees to implement any other appropriate BMPs which may be implemented prior to the completion

and submission of their SWPPPs.

Upon a showing of good cause, the Secretary may establish a later date in writing for preparing and compliance with a SWPPP in cases where construction is necessary to implement measures required by the SWPPP, the SWPPP shall contain a schedule that provides compliance with the plan as expeditiously as possible, but in any event no later than three (3) years from the effective date of this permit. Permittees wishing to include such a schedule of compliance must demonstrate to the Secretary's satisfaction that such a schedule is justified.

Where a construction compliance schedule is included in the SWPPP, the schedule shall include appropriate non-structural and/or temporary controls to be implemented in the affected portion(s) of the facility prior to completion of the permanent control measure.

2.1 Contents of the SWPPP.

2.1.1 Pollution Prevention Team.

You must identify the staff members (by name or title) that comprise the facility's stormwater pollution prevention team. Your pollution prevention team is responsible for assisting the facility manager in developing, implementing, maintaining, revising and ensuring compliance with the facility's SWPPP. Areas of responsibilities include initial site assessment, identification of pollutant sources and risks, decision making on appropriate BMPs and regular evaluations to measure the effectiveness of the plan. Specific responsibilities of each staff individual on the team must be identified and listed in the SWPPP. Each member of the stormwater pollution prevention team must have ready access to either an electronic or paper copy of applicable portions of this permit and the SWPPP.

2.1.2 Site Description.

Your SWPPP must include the following:

- *Activities at the Facility.* Provide a description of the nature of the industrial activities at your facility.
- *Impervious Surface Estimate.* Provide an estimate of the percent imperviousness of your site:

$$\left[\frac{(\text{Area of Roofs} + \text{Area of Paved and Other Impervious Surfaces})}{\text{Total Area of Facility}} \right] \times 100$$

- *Precipitation Information.* Provide average annual precipitation information for your locale (this information can be found in Appendix C, or obtained from

almanacs, the closest airport, etc.). Note which months or seasons are usually the wettest and include such details as expected rainfall and storm intensity.

- *General location map.* Provide a general location map, e.g., U.S. Geological Survey (USGS) quadrangle map, with enough detail to identify the location of your facility and the receiving waters.
- *Site map.* Provide a map showing:
 - the size of the property in acres;
 - the location and extent of significant structures and impervious surfaces;
 - directions of stormwater flow (use arrows);
 - locations of all existing structural and source control BMPs;
 - locations of all adjacent surface water bodies, including all receiving waters for your stormwater discharges;
 - locations of all stormwater conveyances including ditches, pipes and swales;
 - locations of potential pollutant sources identified under Part 2.1.4.2;
 - locations where significant spills or leaks identified under Part 2.1.4.3 have occurred;
 - locations of stormwater inlets and outfalls, and an approximate outline of the areas draining to each outfall;
 - municipal storm sewer systems, where your stormwater discharges to them;
 - locations and descriptions of all non-stormwater discharges;
 - locations of the following activities where such activities are exposed to precipitation:
 - fueling stations,
 - vehicle and equipment maintenance and/or cleaning areas,
 - loading/unloading areas,
 - locations used for the treatment, storage or disposal of wastes,
 - liquid storage tanks,
 - processing and storage areas,
 - access roads, rail cars, and tracks,
 - transfer areas for substances in bulk,
 - material handling areas,
 - outside raw materials, by-products, and/or finished products,
 - machinery; and
 - locations and sources of run-on to your site from adjacent property that contains significant quantities of pollutants of concern to your facility. An evaluation of how the quality of the stormwater running onto your facility impacts your stormwater discharges must be included.

2.1.3 Receiving Waters and Wetlands.

You must provide the name(s) of all surface waters that receive discharges from your

site, including any intermittent streams or dry sloughs. You must also provide the size and description of wetlands or other “special aquatic sites” (see Appendix A for definition) that may receive discharges from your facility. If your facility discharges through any municipal separate storm sewer system(s) (MS4), you must identify the MS4 operator(s), and the receiving water to which the MS4 discharges.

2.1.3.1 Water Quality Standards. Your SWPPP must identify the water quality standards applicable to your receiving waters. Applicable water quality standards are compiled in the Vermont Water Quality Standards found at www.nrb.state.vt.us/wrp/rules.htm.

2.1.3.2 Water Quality Impaired Receiving Waters. Your SWPPP must identify if any receiving water into which you discharge is listed as an impaired water (see definition in Appendix A), and/or has an approved TMDL. Information on impaired waters and approved TMDLs is compiled by the Vermont Department of Environmental Conservation Water Quality Division, and can be found at: http://www.anr.state.vt.us/dec/waterq/planning/docs/pl_303dlist.pdf. Your SWPPP must specify the relevant waterbodies, the pollutants for which they are impaired, and your potential to discharge any of those pollutants.

- *Receiving Waters with an Approved TMDL.* You must determine the specific TMDL-related requirements applicable to your discharge including: the wasteload allocation (WLA) applicable to your discharge, the corresponding effluent limitation with which you must comply, and the monitoring requirements with which you must comply. Your SWPPP must include appropriate BMPs, and monitoring (Part 3.2.5.2) to verify that you are meeting the WLA. Your SWPPP must document any consultation with state or federal authorities on TMDL-related requirements and activities.
- *Impaired Waters without an Established TMDL.* You must ascertain if there are any discharge standards with which you must comply for the pollutant for which your receiving water is impaired. If there are no additional requirements, you must comply with all general provisions of this permit, including the additional discharge monitoring requirements of Part 3.2.5.1. Your SWPPP must document any consultation with state or federal authorities on water quality impairment-related requirements and activities.

2.1.4 Summary of Potential Pollutant Sources.

You must identify each area at your facility where industrial materials or activities are exposed to stormwater. *Industrial materials or activities* include, but are not limited to: material

handling equipment or activities; industrial machinery; raw materials; industrial production and processes; intermediate products, by-products, final products and waste products. *Material handling activities* include, but are not limited to: the storage, loading and unloading, transportation, disposal, or conveyance of any raw material, intermediate product, final product and waste product. For each area identified, the description must include:

2.1.4.1 *Activities in the area.* A list of the activities (e.g., material storage, equipment fueling and cleaning, cutting steel beams).

2.1.4.2 *Pollutants.* For each identified activity, a list of the associated pollutant(s) or pollutant constituents(s) (e.g., crankcase oil, zinc, sulfuric acid, cleaning solvents). The pollutant list must include all significant materials handled, treated, stored, or disposed that have been exposed to stormwater in the 3 years prior to the date you prepare or amend your SWPPP. This list must include any hazardous substances or oil at the facility. For each area that generates a stormwater discharge with a reasonable potential for containing significant amounts of pollutants, include a prediction of the direction of flow and an estimate of the types of pollutants that are likely to be present.

2.1.4.3 *Spills and Leaks.* You must identify where potential spills and leaks could occur that could contribute pollutants to stormwater discharges, and the corresponding outfall(s). You must document in your SWPPP all significant spills and leaks of toxic or hazardous pollutants that actually occurred at exposed areas, or that drained to a stormwater conveyance in the 3 years prior to the date you prepare or amend your SWPPP. This list must be updated if significant spills or leaks occur in exposed areas of your facility during the time period of the permit.

Significant spills and leaks include, but are not limited to, releases of oil or hazardous substances into the environment in excess of quantities that are reportable under 40 CFR 110.6 and 40 CFR 117.21, as well as any releases/discharges of hazardous material that exceed 2 gallons, those less than or equal to 2 gallons where the spill poses a threat to human health, and those that equal or exceed its corresponding reportable quantity under CERCLA as specified under 40 CFR 302.40. Significant spills may also include releases of oil or hazardous substances that are not in excess of reporting requirements (See also Section B.12 in Appendix B). This permit does not relieve you of the reporting requirements of 40 CFR 110, 40 CFR 117, and 40 CFR 302 relating to spills or other releases of oils or hazardous substances.

2.1.4.4 *Elimination of Unauthorized Discharges.* Non-stormwater discharges to waters of the United States that are not authorized by a NPDES permit are unlawful and must be eliminated (see Part 2.1.4.5 below for SWPPP requirements regarding allowable non-stormwater discharges).

- *Signature and Certification.* Your SWPPP must include a certification that all discharges (i.e., outfalls) have been tested or evaluated for the presence of

non-stormwater, and that all unauthorized discharges have been eliminated. Examples of non-stormwater discharges include vehicle wash water, process wastewater, non-contact cooling water and sanitary wastewater. Unless permitted by a NPDES permit or authorized by Section 1.3.3, non-stormwater discharges are not allowed. The certification must be signed in accordance with Subsection 11 of Appendix B of this permit (General Permit Provisions, Signatory Requirements) and must include:

- the date of any testing and/or evaluation,
 - a description of the evaluation criteria or testing method used,
 - a list of the outfalls or onsite drainage points that were directly observed during the test,
 - a description of the results of any test and/or evaluation for the presence of non-stormwater discharges, i.e. identification of unauthorized discharge(s) origin and composition,
 - the action(s) taken to eliminate unauthorized discharge(s), if any were identified. For example, a floor drain was sealed, a sink drain was re-routed to sanitary, or an NPDES permit application was submitted for a cooling water discharge.
 - You must also certify that no interior building floor drains exist which are connected to any storm drainage system or which may otherwise direct interior floor drainage to exterior surfaces, unless such floor drain connection has been approved and permitted by the Agency. If the permittee is unable to provide the certification, the permittee must notify the Agency 180 days after submitting an NOI describing why the certification is not possible, any test attempted, the results of such tests or other observations and all potential sources of non-stormwater discharges to the storm sewer.
- *Notification of Agency.* If you are unable to provide the certification required for the non-stormwater discharge test and elimination in your SWPPP this will not be deemed a violation of this permit provided that you notify the Agency (Section 3.7) no more than 14 days after you submit your NOI:
 - why certification was not possible,
 - the procedure that you followed in any test attempted,
 - the results of such test or other relevant observations, and
 - any potential sources of non-stormwater discharges that have not been eliminated.

Failure to provide this notification to the Agency is a violation of this permit.

2.1.4.5 Allowable Non-Stormwater Discharges. Discharges of certain sources of non-stormwater are allowed under this permit (see Part 1.3.3, Allowable Non-Stormwater Discharges). For each allowable non-stormwater source (except flows from fire-fighting activities) your SWPPP must include:

- an identification of the discharge(s);
- the discharge location(s); and
- descriptions of appropriate BMPs for each source.

If mist blown from cooling towers is one of your allowable non-stormwater discharges, you must specifically evaluate the discharge for the presence of chemicals used in the cooling tower. These data must be included in your SWPPP.

Allowable non-stormwater discharges are subject to all of the provisions of this permit, including numeric effluent limitations, benchmarks and monitoring requirements.

2.1.4.6 Salt Storage. Identification of any storage piles containing salt used for deicing or other commercial or industrial purposes.

2.1.4.7 Monitoring Data. You must provide a summary of existing stormwater discharge sampling data previously taken at your facility. All stormwater sampling data collected during the term of this permit, as required by Section 3.2, must also be summarized and included in this part of the SWPPP.

2.1.5 Stormwater Controls.

You must implement BMPs for all areas identified in Part 2.1.4 to prevent or control pollutants in your stormwater discharges. The appropriateness for implementing controls listed in the SWPPP must reflect identified potential sources of pollutants at the facility. You must also take all reasonable steps to control or address the quality of discharges from your site that may not originate at your facility. In your SWPPP describe the type, location and implementation of all BMPs for each area where industrial materials or activities are exposed to stormwater.

Consider the following when selecting BMPs:

- that preventing stormwater from coming into contact with polluting materials is much more effective than trying to remove pollutants from stormwater;
- BMPs generally must be used in combination with each other for most effective water quality protection;
- the type and quantity of pollutants, including their potential to impact receiving water quality;
- that minimizing impervious areas at your facility will reduce runoff and improve

groundwater recharge and stream base flows in local streams (taking into account the potential for ground water contamination).

- flow attenuation by use of open vegetated swales and natural depressions,
- diverting flow from areas of materials handling, storage or use,
- conservation or restoration of riparian buffers,
- infiltration of runoff onsite, (including bioretention cells, green roofs, and pervious pavement),
- treatment interceptors (e.g., swirl separators and sand filters).

You **must** implement all of the following types of BMPs to prevent and control pollutants in your stormwater discharges, unless you demonstrate that such controls are not relevant to your discharge (e.g., you have no storage piles containing salt). You must keep abreast of new BMPs or new applications of existing BMPs for the most effective means of achieving water quality protection, and include these in your SWPPP as appropriate.

NOTE: If you have an operational state stormwater permit for post-construction management of stormwater runoff (i.e. 3-9010 or 3-9015), then the BMPs required under this permit are in addition to any BMPs required by those permits. However stormwater treatment facilities required by those permits may be utilized as part of the BMPs required pursuant to this permit provided that doing so will not compromise compliance with the operational state stormwater permit. An amendment to your operational state stormwater permit will be required if you need to alter a BMP included in one of those permits to accommodate its use as a BMP under this permit.

2.1.5.1 Good Housekeeping. You must keep clean all exposed areas that are potential sources of pollutants. Typical problem areas are around trash containers, storage areas, loading docks, and vehicle fueling and maintenance areas. You must include a schedule for regular pickup and disposal of waste materials, along with routine inspections for leaks and conditions of drums, tanks and containers.

2.1.5.2 Eliminating and Minimizing Exposure. To the extent practicable locate industrial materials and activities inside, or protect them with storm-resistant coverings to prevent exposure to rain, snow, snowmelt and runoff (although significant enlargement of impervious surface area is not recommended). Note that if you are able to eliminate exposure at all industrial areas you may be eligible for the “No Exposure” exclusion and not need to have a permit (see 40 CFR 122.26(g) and the *Guidance Manual for Conditional Exclusion from Stormwater Permitting Based on “No Exposure” of Industrial Activities to Stormwater* found at <http://www.epa.gov/npdes/pubs/noxguide.pdf>).

2.1.5.3 Preventive Maintenance. You must have a preventive maintenance program that includes regular inspecting, testing, maintaining and repairing of all industrial equipment and systems to avoid situations that may result in leaks, spills and other releases. A

preventative maintenance program must also involve timely inspection and maintenance of stormwater management devices (i.e. cleaning oil/water separators, catch basins). These measures are in addition to specific BMP maintenance as required under Part 2.2 (Maintenance of BMPs).

2.1.5.4 *Vehicle or Equipment Washing.* The plan shall provide that no washing of equipment or vehicles shall be allowed at the site that would allow wash waters to enter any storm drainage system or Waters of the State. The washing of vehicles and equipment must be consistent with the Agency's Department of Wastewater Management's Underground Injection Control Practice Regarding Wastewater Discharges from Vehicle Washing found at:

<http://www.anr.state.vt.us/dec/ww/uic/WashwaterDischargesFromVehicleWashing.pdf>.

2.1.5.5 *Spill Prevention and Response Procedures.* Areas where potential spills can occur, and their accompanying drainage points, must be identified clearly in the SWPPP. Describe your procedures for preventing and responding to spills and leaks.

- Preventive measures include barriers between material storage and traffic areas, secondary containment provisions, and procedures for material storage and handling.
- Response procedures must include notification of appropriate facility personnel, emergency agencies, and regulatory agencies, and procedures for stopping, containing and cleaning up spills. Measures for cleaning up hazardous material spills or leaks must be consistent with applicable Resource Conservation and Recovery Act (RCRA) regulations at 40 CFR Part 264 and 40 CFR Part 265 and the Vermont Hazardous Waste Management Regulations. Employees who may cause, detect or respond to a spill or leak must be trained in these procedures and have necessary spill response equipment available. If possible, one of these individuals should be a member of your Pollution Prevention Team.
- Include in your SWPPP, and in other locations where it will be readily available, contact information for individuals and agencies that must be notified in the event of a spill. A release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR 110, 40 CFR 117, or 40 CFR 302, occurs during a 24-hour period, you must be immediately reported to the Secretary by the person or persons exercising control over such waste by calling the Waste Management Division at (802) 241-3888, Monday through Friday, 7:45 a.m. to 4:30 p.m. or the Department of Public Safety, Emergency Management Division at (800) 641-5005, 24 hours/day in accordance with the requirements of 40 CFR 110, 40 CFR 117, and 40 CFR 302 as soon as you have knowledge of the discharge.

2.1.5.6 *Routine Facility Inspections.* Qualified facility personnel (for definition see Appendix A) must regularly inspect all areas of the facility where industrial materials or activities are exposed to stormwater, and assess how well stormwater BMPs are operating (in addition to the comprehensive site evaluation required under Part 3.1). Qualified facility 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 selected. At least one member of your Pollution Prevention Team must participate in routine facility inspections. Routine inspections must occur at least monthly unless you document in your SWPPP the justification that another inspection frequency is adequate to ensure that BMPs are operating properly. Some types of equipment, processes and BMPs will require more frequent checks than others. Your SWPPP must specify the relevant inspection schedules. All inspections and inspection findings must be documented in your SWPPP. Records of all inspections must be maintained in accordance with Section 3.6 of this permit.

2.1.5.7 Employee Training. You must implement a stormwater employee training program designed to inform all employees who work in areas where industrial materials or activities are exposed to stormwater, or are responsible for implementing activities identified in the SWPPP (e.g., inspectors, maintenance personnel) and all members of your Pollution Prevention Team of the components and goals of the SWPPP. Your stormwater employee training program must include a schedule for all types of necessary training. Training must cover the goals and components of your SWPPP, and address topics such as pollution control laws and regulations, spill prevention and response, good housekeeping, material management practices, preventative maintenance and BMP operation and maintenance. The SWPPP must describe the employee-training program for the facility. The SWPPP must identify periodic dates for such training at intervals no greater than once per year. You must document all training sessions and the employees who received the training.

2.1.5.8 Erosion and Sedimentation Controls. You must identify the areas at your facility that, due to topography, land disturbance (e.g., construction, landscaping, site grading), or other factors, have a potential for soil erosion, and identify and implement structural, vegetative, and/or stabilization BMPs to prevent or control on-site erosion and sedimentation. Examples of BMPs that limit and control sediment and erosion include: leaving as much vegetation onsite as possible, minimizing the time that soil is exposed, preventing runoff from flowing across disturbed areas and diverting the flow to vegetated areas, stabilizing the disturbed soils as soon as possible, slowing down the runoff flowing across the site, providing drainage ways for the increased runoff, and removing sediment from stormwater runoff before it leaves the site.

Construction activities that disturb greater than one acre of land may be required to obtain coverage under a General Permit for Stormwater Runoff from Construction Sites (General Permits 3-9001, NPDES VTR100001 or its replacement) or obtain an individual construction stormwater permit.

2.1.5.9 Management of Runoff. You must describe the stormwater runoff management practices, i.e., permanent structural BMPs for your facility. These are typically used to divert, infiltrate, reuse, contain or otherwise reduce pollutants in your discharges. The SWPPP must contain a narrative assessment of the appropriateness of all existing

stormwater management controls and practices at the facility. Based on an assessment of the potential of various sources at the site to contribute pollutants to stormwater discharges, the SWPPP must provide that stormwater management controls, determined to be reasonable and appropriate, are implemented and maintained.

Structural BMPs associated with wetlands may require a wetlands Conditional Use Determination from the Agency and/or separate permit from the U.S. Army Corps of Engineers under section 404 of the CWA before installation.

2.1.5.10 *Salt Storage Piles or Piles Containing Salt.* For storage piles of salt or piles containing salt used for deicing or other commercial or industrial purposes, you must enclose or cover these piles to prevent exposure to precipitation. You must implement appropriate measures (e.g., good housekeeping, diversions, containment) to minimize exposure resulting from adding to or removing materials from the pile. Piles do not need to be enclosed or covered only if stormwater from the pile is not discharged directly or indirectly to waters of the state or discharges from the piles are authorized and controlled under another NPDES permit.

2.1.5.11 *Sector Specific BMPs.* You must develop and implement all controls stipulated in the relevant sector-specific section(s) of Part 4 of this permit.

2.1.5.12 *Controls on Other Specific Activities.*

- You must implement controls to ensure that no solid materials, including floatable debris, are discharged to waters of the United States, except as authorized by a permit issued under state or federal law.
- The generation of dust, along with off-site vehicle tracking of raw, final or waste materials, or sediments, must be minimized.
- The introduction of raw, final or waste materials to exposed areas must be minimized.
- Flow velocity dissipation devices (e.g. rock lined aprons) must be placed at discharge locations and along the length of any outfall channel if the flows would otherwise create erosive conditions.

2.1.5.13 *Other Necessary Controls.* You must implement any additional BMPs that are economically reasonable and appropriate in light of current industry practice, and that are necessary to eliminate or reduce pollutants in your stormwater discharges.

2.1.6 Additional Documentation.

2.1.6.1 *Documentation and Compliance Regarding Endangered Species.* Your SWPPP must

include documentation supporting your determination with regard to Endangered and Threatened Species and Critical Habitat Protection, including:

- information on whether listed endangered or threatened species, or critical habitat are found in proximity to your facility;
- whether such species or habitat may be affected by your stormwater discharges or stormwater discharge-related activities, i.e., BMP installation;
- results of your Appendix E endangered species screening determinations; and
- a description of the measures you must implement to protect listed endangered or threatened species, or critical habitat, including any conditions imposed under the requirements of Part 1.3.4.6 and detailed in Appendix E. If you fail to document and implement such measures, you are in violation of this permit and may be determined to be ineligible for coverage under this permit.

2.1.7 SWPPP Signature.

You must sign and date your SWPPP in accordance with subpart B.11 of Appendix B, including the date of signature. A signature and date is required both for initial plan preparation and for any revisions to the plan.

2.2 Maintenance of BMPs.

You must maintain all BMPs identified in your SWPPP and implemented at your facility in effective operating condition at all times. Failure to do so is a violation of this permit. Your SWPPP must describe procedures and a regular schedule for preventive maintenance of all BMPs, including the amount of time required for maintenance and repair, and what back-up practices you have in place should a run-off event occur while a BMP is off-line. Nonstructural BMPs must also be diligently maintained (e.g., spill response supplies available, personnel trained).

When, during inspections required by Parts 2.1.5.6 or 3.1, or any other event or observation, you identify BMPs that are not operating effectively, they must be repaired or maintained before the next anticipated storm event. If maintenance prior to the next storm event is not possible, maintenance must be completed as soon as possible, and you must document in your SWPPP the justification for the extended repair schedule. In the interim, you must have back-up measures in place to ensure that the quality of your stormwater discharge is not diminished.

You must document all maintenance and repairs in your SWPPP. Dates of regular maintenance should be documented. For repairs, the date of deficiency discovery and the date on which the BMP was restored to full-function should also be documented in the SWPPP.

2.3 Maintaining an Updated SWPPP.

You must review, and amend your SWPPP as appropriate whenever there is: construction or a change in design, operation or maintenance at your facility such that these situations have a significant impact on the discharge, or potential for discharge, of pollutants from your facility; whenever your routine inspection or compliance evaluation determines deficiencies in your BMPs; whenever an inspection by the Agency determines that modifications to your SWPPP are necessary; whenever you have a spill, leak or other release at your facility; or any time there is an unauthorized discharge from your facility.

SWPPP modifications must be made within 14 calendar days after discovery, observation or event requiring a SWPPP modification. Implementation of new or modified BMPs (distinct from regular preventive maintenance of existing BMPs described in 2.2) must be initiated before the next storm event if possible, but no later than 60 days after discovery, or as otherwise provided or approved by the Secretary. The amount of time taken to modify a BMP or implement additional BMPs must be documented in your SWPPP.

If the SWPPP modification is based on a release or unauthorized discharge, include a description and date of the release; the circumstances leading to the release, actions taken in response to the release, and measures to prevent the recurrence of such releases. If the SWPPP modification is based on a release or unauthorized discharge, you must provide the Agency with a copy of your modified SWPPP. Unauthorized releases and discharges are subject to the reporting requirements of Part 3.5.1 of this permit.

2.4 SWPPP Availability.

You must retain a copy of the current SWPPP required by this permit at the facility, and it must be immediately available to the Agency, the EPA, the operator of an MS4 receiving discharges from the site; and representatives of the Vermont Fish and Wildlife Department (VTFWD), the U.S. Fish and Wildlife Service (USFWS), or the National Marine Fisheries Service (NMFS) at the time of an on-site inspection or upon request. Also, you must timely provide a copy of your SWPPP to any member of the public who makes such a request in writing. Confidential Business Information (CBI) may not be withheld from regulatory agencies, but may be withheld from the public. All portions of the SWPPP not justifiably considered CBI, must be provided to the public upon request. SWPPPs which have been submitted to the Agency will be available for public review, subject to any claims of CBI.

2.5 Notification by Secretary of Inadequacy.

The Secretary may notify you at any time that your SWPPP, your BMPs or other components of your stormwater program do not meet one or more of the requirements of this permit. This notification may be the result of comments on your SWPPP that the Secretary

receives from the public. The notification will identify specific provisions of this permit that are not being met, and may include required modifications to your stormwater program, stipulated deadlines, additional monitoring requirements and special reporting requirements.

2.6 Applicable State and Local Plans

The SWPPP must be consistent with applicable State and/or local stormwater, waste disposal, sanitary sewer or septic system regulations to the extent these apply to the facility and are more stringent than the requirements of this general permit.