

3. Compliance Evaluations, Monitoring, Corrective Action, Reporting, and Record Keeping.

3.1 Comprehensive Site Compliance Evaluation.

3.1.1 Frequency of Comprehensive Site Compliance Evaluations.

You must conduct comprehensive site compliance evaluations at least once a year. An inspection frequency of greater than once a year is recommended. Compliance evaluations must be documented in the SWPPP.

3.1.2 Personnel Qualified to Perform Comprehensive Site Compliance Evaluations.

Comprehensive site compliance evaluations must be conducted by 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 selected. At least one member of your Pollution Prevention Team must participate in comprehensive site compliance evaluations.

3.1.3 Scope of the Compliance Evaluation.

Your inspections must cover all the areas identified in Part 2.1.4 where industrial materials or activities are exposed to stormwater, along with areas where spills and leaks have occurred in the past 3 years. Inspectors must examine the following:

- a) industrial materials, residue or trash that may have or could come into contact with stormwater
- b) leaks or spills from industrial equipment, drums, tanks and other containers
- c) offsite tracking of industrial or waste materials, or sediment where vehicles enter or exit the site
- d) tracking or blowing of raw, final or waste materials from areas of no exposure to exposed areas
- e) evidence of, or the potential for, pollutants entering the drainage system
- f) evidence of pollutants discharging to surface waters at all facility outfall(s), and the condition of and around the outfall, including flow dissipation measures to prevent scouring.

Inspectors must consider the results of the past year's visual and analytical monitoring when planning and conducting inspections. Structural stormwater management measures, erosion control measures, and any other equipment necessary to implement the SWPPP (e.g. spill

response equipment) must also be inspected. Stormwater BMPs identified in your SWPPP must be observed during active operation, i.e., during a stormwater runoff event, to ensure that they are functioning correctly. If discharge locations are inaccessible, nearby downstream locations must be inspected.

3.1.4 Credit as a Routine Facility Inspection.

When compliance evaluation schedules overlap with routine facility inspections required under Part 2.1.5.6, your annual compliance evaluation may also be used as one of the routine inspections, as long as all components of both types of inspections are included.

3.1.5 Compliance Evaluation Report.

You must generate a report of your compliance evaluation that includes: the date and scope of the inspection, the names of inspectors, and all observations relating to the implementation of the SWPPP, including elements stipulated in Part 3.1.3 (a) through (f). You must incorporate this report into your SWPPP and retain it for at least 3 years from the date permit coverage expires or is terminated. Observations include such things as the locations of discharges of pollutants from the site; locations of previously unidentified sources of pollutants; locations of BMPs needing maintenance or repair; locations of failed BMPs that need replacement; and locations where additional BMPs are needed. The report must also document any incidents of noncompliance observed, and any corrective actions taken. If there is no noncompliance, you must include a certification stating the facility is in compliance with the SWPPP and permit. Compliance evaluation reports and compliance certifications must be signed in accordance with subsection 11 of Appendix B.

If non-compliance is found, the SWPPP must be updated within 14 calendar days after discovery, and 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.

3.2 Monitoring.

There are several types of monitoring requirements your facility may be subject to under this permit:

- visual inspection (see Part 3.2.1 for details),
- benchmark monitoring (see Part 3.2.2 for details),
- effluent limitations monitoring (see Part 3.2.3 for details), and
- area-specific monitoring for limitations including area-specific water quality

standards; antidegradation and water quality certification requirements; and monitoring requirements for impaired waters (see Part 3.2.4 for details).

Part 4, Section A through Section AD of this permit specifies monitoring requirements applicable to each sector of industrial activity. You must comply with the requirements stipulated in the relevant sector-specific section. When stormwater from co-located activities is co-mingled, you must comply with monitoring requirements for all applicable sectors.

All eligible dischargers have some form of routine analytical monitoring requirement under this permit. Unless otherwise specified, limitations and monitoring requirements under Part 3, and any additional requirements in Part 4 are additive.

Where more than one limitation for a specific parameter applies to a discharge, compliance with the more restrictive limitation is required. When monitoring requirements overlap, e.g., total suspended solids once per year for an effluent limitation and once per quarter for benchmark monitoring, you may use a single sample to satisfy both monitoring requirements.

3.2.1 Quarterly Visual Monitoring of Discharges.

The requirements and procedures for quarterly visual monitoring are applicable to all facilities covered under this permit, regardless of your sector of industrial activity.

- You must perform and document a quarterly visual examination of a stormwater discharge associated with industrial activity from each outfall, except as provided for in Part 3.2.5.3, Adverse Weather Conditions. The visual examination must be made during daylight hours. If no storm event resulted in runoff during daylight hours from the facility during a monitoring quarter, you are excused from the visual monitoring requirement for that quarter, provided you document in your monitoring records that no runoff occurred. You must sign and certify the documentation in accordance with Subpart B.11 of Appendix B.
- Your visual examinations must be made on samples collected within the first 30 minutes (or as soon thereafter as practical, but not to exceed 1 hour) of when the runoff or snowmelt begins discharging from your facility. All samples must be collected from a storm event discharge that is greater than 0.1 inch in magnitude and that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event. The 72-hour storm interval is waived when the preceding measurable storm did not yield a measurable discharge, or if you are able to document that less than a 72-hour interval is representative for local storm events during the sampling period. The examination must document observations of:
 - color

- odor
 - clarity
 - floating solids
 - settled solids
 - suspended solids
 - foam
 - oil sheen
 - other obvious indicators of stormwater pollution.
- The examination must be conducted in a well-lit area. Where possible, the same individual should carry out the collection and examination of discharges for the entire permit term.
 - You must maintain your visual examination reports onsite with the SWPPP for at least five years from the date of sample, measurement, evaluation, inspection or report. This period may be extended by the Secretary at any time. Do not submit the results of visual monitoring unless the Agency requests such results.
 - The visual examination reports must include the examination date and time, inspection personnel, nature of the discharge (i.e., runoff or snow melt), visual quality of the stormwater discharge (including observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of stormwater pollution), and probable sources of any observed stormwater contamination.
 - You may exercise a waiver of the visual monitoring requirement at a facility that is inactive and unstaffed, as long as there are no industrial materials or activities exposed to stormwater. If you exercise this waiver, you must maintain a certification with your SWPPP stating that the site is inactive and unstaffed, and that there are no industrial materials or activities exposed to stormwater. If you do not plan to commence industrial activities at the site, you may submit a No Exposure Certification (Part 1.8), and terminate coverage under this permit.

Representative Outfalls. This provision is available only for quarterly visual monitoring (and benchmark monitoring per Part 3.2.2.5), and does not apply to other monitoring requirements in this permit. If your facility has two or more outfalls that you believe discharge substantially identical effluents, based on similarities of the industrial activities, significant materials, size of drainage areas, and stormwater management practices occurring within the drainage areas of the outfalls, you may conduct visual monitoring of the discharge at just one of the outfalls and report that the results also apply to the substantially identical outfall(s). For this to be permissible, you must describe in the SWPPP the following: locations of the outfalls, why the outfalls are expected to discharge substantially identical effluents, estimates of the size of the drainage area (in

square feet) for each of the outfalls, and an estimate of the runoff coefficient of the drainage areas (low: under 40 percent; medium: 40 to 65 percent; high: above 65 percent). To be considered, the narrative must describe the industrial activities and processes, materials that may be exposed to stormwater, and stormwater management practices associated with each outfall.

3.2.2 Benchmark Monitoring and Reporting.

You must monitor for all benchmark parameters specified for the industrial sector(s) (Part 4) applicable to your discharge. Your industry-specific benchmark concentrations are listed in the tables in the sector-specific sections of Part 4. Monitoring for all benchmark parameters must be conducted according to the procedures in Part 3.2.5. An exceedance of a benchmark value does not, in and of itself, constitute a violation of this permit or indicate the violation of a Water Quality Standard. However it does signal that modifications to the SWPPP may be necessary (see Part 3.2.2.4).

3.2.2.1 Benchmark Monitoring Schedule. Unless otherwise specified in Part 4 (Section A – Section AD), benchmark monitoring must be conducted in each of the first four quarters of permit coverage, except as provided in Parts 3.2.2.4 and 3.2.2.5. Quarters correspond to the 3-month intervals beginning in January, April, July and October. If your permit coverage becomes effective less than 1 month from the end of a quarter, your first monitoring quarter starts with the next respective monitoring quarter. One monitoring event should be scheduled to capture the first snowmelt discharge. If quarterly monitoring extends beyond the first year of permit coverage, the same quarters apply in subsequent years.

3.2.2.2 Benchmark Data Reporting. You must submit results from all benchmark monitoring to the Agency on Discharge Monitoring Report (DMR) forms provided by the Secretary. DMRs may be submitted electronically via the Vermont eDEC online permitting system or in paper form to the DMR address in Part 3.7 no later than 60 days after the sampling event.

3.2.2.3 Data Not Exceeding Benchmarks. Following 4 quarters of benchmark monitoring, if the average of the 4 monitoring values does not exceed the benchmark, you have fulfilled your monitoring requirements for that parameter for the entire permit term.

3.2.2.4 Data Exceeding Benchmarks. If the average of the 4 monitoring values exceeds the benchmark you must review your SWPPP within 14 days to determine if your SWPPP satisfies the requirements of Part 2 of this permit. You must document the date and findings of your review in your SWPPP. If you determine that your SWPPP satisfies the requirements of Part 2 you must document the justification for this determination in your SWPPP. Following this determination you may reduce monitoring for that pollutant to once per year for the duration of the permit term. If you determine that your SWPPP does

not satisfy the requirements of Part 2 you must initiate the Corrective Action provisions of Part 3.3; and continue quarterly benchmark monitoring for the relevant pollutant(s) for an additional 4 quarters. When an exceedance is observed a short letter detailing the cause of the exceedance should be submitted to the Agency. The letter must also list corrective actions taken to prevent future exceedances and describe how these changes have been incorporated into the SWPPP. Monitoring results must be sent to DEC within 60 days of the sampling date on DMR forms provided by the Secretary.

3.2.2.5 Special Exceptions to Benchmark Monitoring

- *Inactive and Unstaffed Sites.* You may exercise a waiver of the benchmark monitoring requirement at a facility that is inactive and unstaffed, as long as there are no industrial materials or activities exposed to stormwater. If you exercise this waiver, you must maintain a certification with your SWPPP stating that the site is inactive and unstaffed, and that there are no industrial materials or activities exposed to stormwater. You must sign and certify the waiver in accordance with Part B.11 of Appendix B. If you do not plan to commence industrial activities at the site, you may submit a No Exposure Certification (Part 1.7), and terminate coverage under this permit.

Representative Outfalls. This provision is available only for benchmark monitoring (and quarterly visual monitoring per Part 3.2.1), and does not apply to other monitoring requirements in this permit. If your facility has two or more outfalls that discharge substantially identical effluents, based on similarities of the industrial activities, significant materials, size of drainage areas, and stormwater management practices occurring within the drainage areas of the outfalls, you may test the effluent of just one of the outfalls and report that the quantitative data also apply to the substantially identical outfall(s). For this to be permissible, you must describe in the SWPPP the following: locations of the outfalls, why the outfalls are expected to discharge substantially identical effluents, estimates of the size of the drainage area (in square feet) for each of the outfalls, and an estimate of the runoff coefficient of the drainage areas (low: under 40 percent; medium: 40 to 65 percent; high: above 65 percent). To be considered, the narrative must describe the industrial activities and processes, materials that may be exposed to stormwater, and stormwater management practices associated with each outfall.

3.2.3 Effluent Limitations Monitoring and Reporting.

3.2.3.1 Coal Pile Runoff Effluent Limitations. If your facility has discharges of stormwater from coal storage piles, you must comply with the limitations and monitoring requirements of Table 3-2 for all discharges containing the coal pile runoff, regardless of your facility's sector of industrial activity. You must monitor annually, and your

monitoring year begins the day that your discharge is authorized. You must collect and analyze samples for TSS and pH at least once during each monitoring year in which you maintain coverage under this permit.

You must not dilute coal pile runoff with stormwater or other flows to meet this limitation. If your facility is designed, constructed, and operated to treat the volume of coal pile runoff that is associated with a 10-year, 24-hour rainfall event, any untreated overflow of coal pile runoff from the treatment unit is not subject to the 50 mg/L limitation for total suspended solids. Monitoring for all benchmark parameters must be conducted according to the procedures in Parts 3.2.5. You must submit results from all monitoring to the Agency. Discharge monitoring reports must be submitted electronically or in paper form (see Part 3.7) no later than 60 days after the sampling event. If at any time your monitoring data exceed an effluent limitation for TSS or pH you are subject to the Corrective Action requirements of Part 3.3 and the Follow-up Monitoring and Reporting requirements of Part 3.4.

Table 3-2. Effluent Limitations for Coal Pile Runoff

Parameter	Limitation	Monitoring Frequency	Sample Type
Total Suspended Solids (TSS)	50 mg/l, max.	1/year	Grab
pH	6.0 min. - 9.0 max.	1/year	Grab

3.2.3.2 Effluent Limitation Guidelines. Table 1-1 of Part 1.3.2 of the permit identifies stormwater discharges subject to effluent limitation guidelines that are authorized for coverage under the permit. Facilities subject to stormwater effluent limitation guidelines are required to conduct compliance monitoring of their discharges for these parameters. Your effluent limitations are specified in your industry’s sector specific section of Part 4. Compliance monitoring for effluent limitation guideline parameters is required once per year for the entire term of the permit, and your monitoring year begins the day that your discharge is authorized. Monitoring for all parameters must be conducted according to the procedures in Parts 3.2.5. You must submit results from all monitoring to the Agency. Discharge monitoring reports must be submitted electronically or in paper form (see Part 3.7) to DEC within 60 days of the sampling date. If at any time your monitoring data exceed a relevant effluent limitation you are subject to the Corrective Action requirements of Part 3.3 and the Follow-up Monitoring and Reporting requirements of Part 3.4.

3.2.4 Discharges to Impaired Receiving Waters Monitoring and Reporting.

Monitoring is required for discharges to impaired waters (See Appendix A for definition)

identified under Part 2.1.3.2. Monitoring for all parameters must be conducted according to the procedures in Parts 3.2.5. You must submit results from all monitoring to the Agency. Discharge monitoring reports must be submitted electronically or in paper form (see Part 3.7) to DEC within 60 days of the sampling date.

3.2.4.1 *Discharges to impaired waters with no applicable wasteload allocation.* For discharges that are conveyed directly or indirectly to impaired waters, monitoring for the pollutant of concern must be conducted at a minimum of once each permit year throughout the term of the permit unless this permit already assigns your discharge an effluent limitation or a benchmark for the pollutant of concern. Your monitoring year begins on the day that your discharge is authorized.

This monitoring requirement is waived after one year if the pollutant of concern is not detected in an amount expected to cause and contribute to a violation of Vermont Water Quality Standards in your stormwater discharge, and you document in your SWPPP that there is no exposure of the pollutant of concern to stormwater at your site.

3.2.4.2 *Discharges to impaired waters with an applicable wasteload allocation.* For discharges that are conveyed directly or indirectly to waters for which a TMDL has been established with a wasteload allocation applicable to your discharge (either specifically or categorically), monitoring for the wasteload allocation pollutant of concern must be conducted, consistent with any instructions in TMDL documentation. If the TMDL documentation does not specify specific monitoring requirements, monitoring for the pollutant of concern must be conducted at a minimum of once each permit year throughout the term of the permit, unless this permit already assigns your discharge an effluent limitation or a benchmark for the pollutant of concern, in which case you must follow the effluent limitation or benchmark monitoring schedule. Your monitoring year begins on the day your discharge is authorized. This monitoring must be conducted in addition to all other monitoring requirements prescribed in this permit. Monitoring of a pollutant of concern for which your discharge has been assigned a wasteload allocation cannot be waived unless the WLA is specified *only* in terms of BMPs, in which case the monitoring requirement is waived after one year if the pollutant of concern is not detected in your stormwater discharge and you document in your SWPPP that you have adopted the required BMPs.

If at any time your monitoring data exceed a relevant waste load allocation you are subject to the Corrective Action requirements of Part 3.3 and the Follow-up Monitoring and Reporting requirements of Part 3.4.

3.2.5 Monitoring Instructions.

3.2.5.1 *Collection and Analysis of Samples.* You must collect samples for relevant parameters at all outfalls. You must collect and analyze your samples in accordance with the

requirements of Subsection B.12.D of Appendix B of the permit. In addition, you must sample in accordance with the following provisions:

- *When and How to Sample.* Take a minimum of one grab sample from a discharge resulting from a storm event with at least 0.1 inch of precipitation (defined as a “measurable“ event), provided the interval since the preceding measurable storm is at least 72 hours. The 72-hour storm interval is waived when the preceding measurable storm did not yield a measurable discharge, or if you are able to document that less than a 72-hour interval is representative for local storm events during the sampling period.

Take the grab sample during the first 30 minutes of the discharge. If it is not practicable to take the sample during the first 30 minutes, sample during the first hour of discharge and describe why a grab sample during the first 30 minutes was not practicable. Submit this information on or with the Discharge Monitoring Report. If the sampled discharge co-mingles with discharges not authorized under this permit prior to reaching the receiving water body, attempt to sample the stormwater discharge before it mixes with other waste streams.

- *Approved Collection and Analytical Methods.* Sample collection, preservation and analysis must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in the relevant section of Part 4 of this permit.

3.2.5.2 Storm Event Data. Along with the results of your monitoring, you must provide the date and duration (in hours) of the storm event(s) sampled, rainfall measurements or estimates (in inches) of the storm event that generated the sampled runoff, the duration between the storm event samples and the end of the previous measurable (greater than 0.1 inch rainfall) storm event, and an estimate of the total volume (in liters) of the discharge samples.

3.2.5.3 Adverse Weather Conditions. When adverse weather conditions prevent the collection of samples according to the relevant monitoring schedule, take a substitute sample during a qualifying storm event in the next monitoring period, or two samples per monitoring year when weather conditions do not allow for samples to be spaced evenly during the year. Adverse conditions (i.e., those that are dangerous or create inaccessibility for personnel) may include events such as local flooding, high winds, electrical storms, or situations that otherwise make sampling illogical, such as drought or extended frozen conditions.

3.2.6 Monitoring Required by the Secretary.

The Agency may provide written notice requiring additional discharge monitoring. Any

such notice will briefly state the reasons for the monitoring, locations and parameters to be monitored, frequency and period of monitoring, sample types, and reporting requirements.

3.3 Corrective Actions.

You must take corrective action whenever:

- your routine facility inspections, comprehensive site compliance evaluations, or any other process, observation or event result in discovery of any deficiency; or
- there is any exceedance of an effluent limitation (including coal pile runoff), or water quality standard, or
- following a benchmark exceedance, based on the average of 4 quarterly monitoring events, you determine as a result of reviewing your SWPPP that your SWPPP does not meet the requirements of Part 2 of this permit.

You must review your SWPPP and modify it as necessary to address the deficiency(ies). You must complete revisions to the SWPPP within 14 calendar days following the discovery. When BMPs need to be modified or added (distinct from regular preventive maintenance of existing BMPs described in 2.2), implementation must be completed before the next anticipated storm event if possible, but no later than 60 days after discovering the deficiency, or as otherwise provided or approved by the Agency. The amount of time taken to modify a BMP or implement additional BMPs must be documented in your SWPPP.

Failure to undertake the necessary corrective actions within the stipulated time frames constitutes a violation of your permit. The underlying cause of the inadequacy or discharge standard exceedance, e.g., failure to properly implement the SWPPP, may also constitute an independent violation of the permit.

Any corrective actions taken as a result of your inspections must be documented and retained for the 3-year period following permit expiration or termination. Reports of corrective actions must be signed in accordance with section B.11 of Appendix B.

3.4 Follow-up Monitoring and Reporting.

If at any time your monitoring results indicate that your discharge exceeds an effluent limitation or a specific wasteload allocation, or you become aware that your discharge causes or contributes to an exceedance of a water quality standard, you must take immediate steps to eliminate the exceedances in accordance with Part 3.3, Corrective Actions. Within 30 calendar days of implementing the relevant corrective action(s) (or during the next qualifying runoff event, should none occur within 30 calendar days) you must undertake additional monitoring to verify that your modified BMPs are effectively protecting water quality. You need only conduct follow-up monitoring for pollutant(s) with prior exceedances unless you have reason to believe that your modifications may have reduced pollutant prevention or removal capacity for other

pollutants of concern.

If the follow-up monitoring value does not exceed the effluent limitation or other relevant standard, you must submit the follow-up monitoring data to the Agency no later than 30 days after you have received your lab results. In this case, no additional follow-up monitoring for this monitoring event is required.

Should the follow-up monitoring indicate that the effluent limitation, wasteload allocation, water quality standard or other relevant standard is still being exceeded, you must submit an Exceedance Report no later than 30 days after you have received your lab results. Your report must include your permit identification number; facility name, address and location; receiving water; monitoring data from this and the preceding monitoring event(s); an explanation of the situation; what you have done and intend to do (should your corrective actions not yet be complete) to further reduce pollutants in the discharge; and an appropriate contact name and phone number. You must continue to conduct follow-up monitoring at an appropriate frequency, but no less often than quarterly, until your discharge no longer exceeds the standard, unless the requirement for additional follow-up monitoring is waived by the Agency.

Failure to complete follow-up monitoring and reporting within the stipulated time frames constitutes a violation of your permit.

Additional monitoring following benchmark exceedances is addressed in Part 3.2.2.4.

3.5 Additional Reporting.

In addition to reporting requirements stipulated in this Part, you are also subject to the standard permit reporting provisions of Appendix B, Section 12. You must submit any reports required by this permit to the Agency using the eDEC online permitting system or on DMR forms, as applicable.

3.5.1 Unauthorized Releases or Discharges Report.

Any unauthorized release or discharge must be reported to the Agency within 30 days. However, if the discharge or release has the potential to or will endanger human health or the environment, it must be reported orally to the Agency within 24 hours from the time you become aware of the circumstances. You must provide detailed information on such unauthorized releases or discharges to the Agency in a written report within 5 days. The report should include all information specified in Appendix B, Section 12.

3.6 Recordkeeping.

You must retain copies of your SWPPP (including any modifications made during the term of this permit), all reports, records, monitoring data, and certifications required by this permit, along with records of all data used to complete the NOI, for a period of at least 5 years from the date that the facility's coverage under this permit expires or is terminated. Prior to its expiration, this time period may be extended by the Secretary at any time. The administrative records of the facility must accurately reflect:

- a traceable record of BMP installation, maintenance, and monitoring results;
- revision of structural control and non-structural practices implemented; and
- the data collected to support continued maintenance of those practices or their abandonment in lieu of more effective control mechanisms.

3.7 Agency Address

Notice of Intent forms, No Exposure Certification forms, Notice of Termination forms and Discharge Monitoring Reports can be submitted electronically via the Agency's eDEC web site. If you choose to send paper copies of these reports, or any other correspondence that needs to be sent to Agency staff, please send them via U.S. mail to:

Vermont Department of Environmental Conservation
Water Quality Division
Stormwater Multi-Sector General Permit
103 South Main Street, 10 N
Waterbury VT, 05671-0408