

**STATE OF VERMONT
AGENCY OF NATURAL RESOURCES
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

**GENERAL PERMIT 3-9010
AMENDED May 2007**

**PREVIOUSLY PERMITTED STORMWATER DISCHARGES
TO WATERS THAT ARE NOT PRINCIPALLY
IMPAIRED BY REGULATED STORMWATER RUNOFF**

PART I. COVERAGE UNDER THIS GENERAL PERMIT

A. Introduction

The Secretary (“Secretary”) of the Agency of Natural Resources (“Agency”) is issuing this general permit for discharges of stormwater runoff to waters of the State of Vermont that are not principally impaired by regulated stormwater runoff, which discharges have been previously authorized by the Secretary pursuant to a stormwater discharge permit or temporary pollution permit. This includes previously permitted discharges to all Class A and Class B waters in the State of Vermont except those waters that are listed as being principally impaired due to regulated stormwater runoff on the EPA-approved State of Vermont 303(d) List of Waters.

This general permit will assure continued compliance with water quality standards in unimpaired waters and will assist in the attainment of water quality standards in waters principally impaired by sources other than stormwater runoff. As required by 10 V.S.A. §1264(b), this general permit requires the implementation of cost effective stormwater management controls to minimize any adverse impact of stormwater runoff to waters of the State. For those waters that are currently impaired, if a wasteload allocation or Total Maximum Daily Load (TMDL) is developed and duly adopted for the receiving water, this general permit may be amended to incorporate requirements set forth in the wasteload allocation or TMDL and Previous Permittees may be required to upgrade their stormwater management systems to meet more stringent treatment standards.

B. Discharges Covered by this General Permit

Coverage under this general permit is required for discharges of regulated stormwater runoff to all waters of the State of Vermont that are not principally impaired by regulated stormwater runoff, which discharges have previously been authorized by the Secretary pursuant to a stormwater discharge permit (10 V.S.A. §1263 or §1264) or a temporary pollution permit (10 V.S.A. §1265). Coverage is required regardless of whether the most recent previously issued permit has expired.

C. Discharges Not Eligible for Coverage under this General Permit

This general permit does not cover the following discharges:

1. Non-stormwater discharges;

2. Stormwater discharges to waters of the State of Vermont that are listed as principally impaired due to regulated stormwater runoff on the EPA-approved State of Vermont 303(d) List of Waters;
3. Stormwater discharges from new development, expansion, or redevelopment;
4. As provided in 10 V.S.A. §1264(e), no permit is required for stormwater runoff from farms subject to accepted agricultural practices adopted by the commissioner of agriculture, food and markets or for stormwater runoff from silvicultural activities subject to accepted management practices adopted by the commissioner of forest, parks and recreation;
5. Stormwater discharges that will be managed and treated by an alternative STP design as provided in Section 2.5 of the Vermont Stormwater Management Manual. These discharges will require an individual stormwater discharge permit from the Secretary.
6. Stormwater discharges that are currently covered by an individual NPDES permit for a point source of sanitary or industrial waste.

D. Relation to Other Permits

Permittees required to seek coverage under this general permit should be aware that their activities may also require a permit pursuant to other State and federal laws, including but not limited to:

1. 10 V.S.A. §1259 (Underground Injection Wells), which might require a permit for the discharge of stormwater to an underground injection well (eg. floor drains, etc.);
2. 40 CFR §122.26, which requires a National Pollutant Discharge Elimination System (NPDES) permit for stormwater discharges associated with large construction activity as defined in 40 CFR §122.26(b)(14)(x);
3. 40 CFR §122.26, which requires a National Pollutant Discharge Elimination System (NPDES) permit for stormwater discharges associated with small construction activity as defined in 40 CFR §122.26(b)(15);
4. 40 CFR §122.26, which requires a National Pollutant Discharge Elimination System (NPDES) permit for stormwater discharges associated with industrial activities as defined in 40 CFR §122.26(b)(14);
5. Section 404 of the federal Clean Water Act, 33 FWPCA §1344; and
6. The Vermont Wetland Rules, which require a Conditional Use Determination for certain activities affecting wetlands.

E. Definitions

NOTE: Additional definitions are set forth in the Glossary of the Vermont Stormwater Management Manual.

“Alternative STP Design” means a STP design that is not included in Sections 2.1 and 2.2 of the Vermont Stormwater Management Manual and is proposed by a designer and/or approved by the Secretary pursuant to Section 2.5 of the Vermont Stormwater Management Manual.

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

“Development” means the construction of impervious surfaces on a tract or tracts of land.

“Existing Development” means a development which was built prior to the effective date of this general permit, or from which the discharge of stormwater runoff was authorized pursuant to 10 V.S.A. §1263, §1264 or §1265 prior to the effective date of this general permit.

“Expansion” means the increase or addition of impervious surface occurring after the effective date of this general permit.

“Impervious Surface” means those man made surfaces, including, but not limited to, paved and unpaved roads, parking areas, roofs, driveways and walkways, from which precipitation runs off rather than infiltrates.

“Linear project” means, but is not limited to, roads, streets, highways and bikepaths.

“Most recent previously issued permit” means the most recent previously issued stormwater discharge permit or temporary pollution permit.

“Municipality” means a city, town, or incorporated village.

“New Development” means the construction of new impervious surfaces on a tract or tracts of land occurring after the effective date of this general permit.

“Nonstructural STP” means methods or activities used to mitigate the adverse impacts of stormwater runoff, including but not limited to disconnection of rooftop runoff, disconnection of non-rooftop runoff, sheetflow runoff to stream buffers and use of open vegetated swales.

“Offsite” or “offsite drainage area” means land within the project drainage area that is not owned by the developer. Treatment is only required if off-site runoff is co-mingling with on-site runoff, or is draining to the discharge point, and then only for CPv. Adequate volume and safe passage must also be provided for flood flows from off-site areas co-mingling with on-site runoff, or draining to the discharge point.

“Operator” means any person who has operational control of a development, redevelopment or expansion.

“Permittee” means a person who has received authorization to discharge pursuant to this general permit from the Secretary.

“Person” means an individual, partnership, public or private corporation, association, unincorporated organization, trust or any other legal or commercial entity, including a joint venture or affiliated ownership. The word person also means any subdivision, agency, or instrumentality of this State, of any other state, of the United States, or of any interstate body.

“Previous Permittee” means a person who owns or controls a site that is causing a discharge of stormwater runoff that was previously authorized by a stormwater discharge permit or a temporary pollution permit from the Secretary (regardless of whether such permit has expired) prior to the effective date of this general permit. A Previous Permittee includes a beneficiary of a stormwater management system that was previously permitted (e.g. existing homeowners in a subdivision for which the developer obtained a stormwater discharge permit or a temporary pollution permit).

“Project” means the development, expansion and/or redevelopment for which the Secretary has previously issued a stormwater discharge permit or temporary pollution permit or for which the Secretary will authorize coverage under this general permit.

“Redevelopment” means the modification or alteration of the impervious area footprint of an existing development occurring after the effective date of this general permit.

“Regulated stormwater runoff” means precipitation, snowmelt, and the material dissolved or suspended in precipitation and snowmelt that runs off impervious surfaces and discharges into surface waters or into groundwater via infiltration.

“Secretary” means the Secretary of the Agency of Natural Resources or his/her authorized representative.

“Site” means the drainage area that includes all portions of a development contributing stormwater runoff to one or more discharge points. In cases where there are multiple discharges to one or more waters, “site” shall mean the total area of the sub-watersheds. For linear projects, including but not limited to highways, roads, and streets, the term site includes the entire right of way within the limits of the proposed work.

“State of Vermont 303(d) List of Waters” means the EPA-approved State of Vermont List of Waters prepared pursuant to 33 U.S.C. Section 1313(d).

“State of Vermont waters” or “waters of the State of Vermont” means 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.

“Stormwater runoff” means natural precipitation that does not infiltrate into the soil, including material dissolved or suspended in such natural precipitation, but does not include discharges from undisturbed natural terrain or wastes from combined sewer overflows.

“STP” means a stormwater treatment practice, which is a specific device or technique designed to

provide stormwater quality treatment and/or quantity control.

“Structural STP” means devices that are constructed to provide temporary storage and treatment of stormwater runoff.

“Substantially deteriorated” means the condition of an STP that would necessitate repair or reconstruction beyond that which would be considered typical, periodic maintenance for a system of similar design.

“Unimpaired Waters” means all waters of the State of Vermont that are not listed as being principally impaired due to regulated stormwater runoff on the EPA-approved State of Vermont 303(d) List of Waters.

“Vermont Stormwater Management Manual means the Vermont Stormwater Management Manual dated April 2002, as may be amended from time to time.

F. Coverage under this Permit for Persons with Unexpired Stormwater Discharge Permits

A Previous Permittee who holds an unexpired individual stormwater discharge permit on the effective date of this general permit may, at its own choosing, seek coverage under this general permit prior to the expiration date of the individual permit. In such cases, the Previous Permittee shall comply with this general permit in accordance with a timetable prescribed by the Secretary. The timetable will be similar to that set forth in Part II.B of this general permit, taking into account seasonal construction constraints.

If a Previous Permittee holding an unexpired individual permit chooses not to seek coverage under this general permit prior to the expiration date of the individual permit, then the Previous Permittee shall seek coverage under this general permit ninety (90) days prior to the expiration date of the individual permit. The Previous Permittee shall submit a notice of intent to seek coverage under this general permit instead of an application for renewal of the individual permit and shall comply with all other applicable provisions of this general permit in accordance with a timetable prescribed by the Secretary. The timetable will be similar to that set forth in Part II.B of this general permit, taking into account seasonal construction constraints.

Notwithstanding the provisions of this Part I.F, the Secretary reserves the right to revoke, modify, suspend or amend a stormwater discharge permit in accordance with the terms of the permit and state law and regulations.

G. Legal Authority

This general permit is issued in accordance with 10 V.S.A. §1258, 1259, 1263, 1264 and 1267 and Rule 13.12 of the Vermont Water Pollution Control Regulations (“General Permit Rules”).

PART II. APPLICATION REQUIREMENTS AND IMPLEMENTATION DEADLINES

A. Who Must File Application

The record owner and operator, if any, of the land on which the development occurred for which the previous stormwater discharge or temporary pollution permit was issued, shall apply for coverage under this general permit. The application shall list the name or names of all persons who have a substantial property interest, such as through title, lease, purchase or lease option, right-of-way or easement, in the land described above by reasons of ownership or control and shall describe the extent of their interests. The Secretary may find that the property interest of any such person is of such significance that the application cannot be accepted or the review cannot be completed without their participation as co-applicants.

If an application for coverage under this general permit is made in connection with a subdivision, including but not limited to commercial or residential subdivisions, condominiums and industrial parks, then the owners association, condominium association or similar legal entity shall apply as a co-permittee for coverage under this general permit.

B. Application Process and Deadlines

1. Notice of Intent to Seek Coverage under this General Permit

Within sixty (60) days of the effective date of this general permit, each Previous Permittee shall notify the Secretary of its intent to seek coverage under this general permit. Notice shall be made on a form provided by the Secretary.

2. Submission of Application

Within ninety (90) days of the effective date of this general permit, each Previous Permittee shall apply for coverage under this general permit by submitting:

- a. A completed Notice of Intent form, which form is available from the Secretary;
- b. An application fee as required by 3 V.S.A. §2822;
- c. If application for coverage under this general permit is made in connection with a subdivision, including but not limited to commercial or residential subdivisions, condominiums and industrial parks, the applicant shall submit documentation establishing an owners association, condominium association or other legal entity which will assume legal and financial responsibility for the operation and maintenance of all stormwater collection, treatment and control systems required by this general permit and by future laws and regulations; and
- d. A written statement signed by a designer that the existing stormwater management system was built prior to the effective date of this general permit and is currently operating in compliance with the most recent previously issued permit; or

- e. A written statement signed by a designer that the existing stormwater management system was built prior to the effective date of this general permit, is not currently operating in compliance with the most recent previously issued permit, and that routine maintenance is required to bring the system into compliance with the most recent previously issued permit; or
- f. A written statement signed by a designer that the stormwater management system was not built prior to the effective date of this general permit; or
- g. A written statement signed by a designer that the stormwater management system was built prior to the effective date of this general permit and has substantially deteriorated.

3. Implementation Deadlines

If a Previous Permittee is unable to provide a designer's statement that the existing stormwater management system was built prior to the effective date of this general permit and is currently operating in compliance with the most recent previously issued permit, then the following shall apply:

- a. If the project has not been built, and the most recent previously issued permit has not expired, then the Previous Permittee may proceed under that individual permit until its expiration date or may voluntarily elect to apply for coverage under this general permit in accordance with Part I.F above;
- b. If the project has not been built, and the most recent previously issued permit has expired, then coverage under this general permit is not available. This does not apply to linear projects described in subpart c below;
- c. If the project is a linear project that has not been built and the most recent previously issued permit has expired and right-of-way acquisition has been substantially completed, the Previous Permittee shall seek coverage under this general permit in accordance with Part II.B above. If the Previous Permittee fails to seek coverage under this general permit within one year of the effective date of this general permit and if the project is not built within five years of the effective date of this general permit, then the linear project will be considered new development that is ineligible for coverage under this general permit;
- d. If the project was built, but the stormwater management system was not built prior to the effective date of this general permit, then the Previous Permittee shall, by November 15, 2003, construct a stormwater management system in accordance with Part III of this general permit. The Previous Permittee shall, by November 15, 2003, submit to the Secretary a written statement signed by a designer that a stormwater management system was constructed and is operating in compliance with Part III of this general permit;
- e. If the project and the stormwater management system were built prior to the

effective date of this general permit, and the stormwater management system has substantially deteriorated, then the Previous Permittee shall, by November 15, 2003, repair/upgrade or construct a stormwater management system in accordance with Part III of this general permit. The Previous Permittee shall, by November 15, 2003, submit to the Secretary a written statement signed by a designer that a stormwater management system was repaired/updated or constructed and is operating in compliance with Part III of this general permit; and

- f. If the project and stormwater management system were built prior to the effective date of this general permit and the stormwater management system is not substantially deteriorated but routine maintenance is required, the Previous Permittee shall, by November 15, 2002, perform maintenance of the system, and shall submit to the Secretary by November 15, 2002 a written statement signed by a designer that the stormwater management system is in compliance with the terms of the most recent previously issued permit.

4. Application for Coverage by Previous Permittees Discharging to Reclassified Waters

If, due to changes in the State of Vermont 303(d) List of Waters, certain waters that were not originally covered by this general permit are reclassified as not being principally impaired due to regulated stormwater runoff, than Previous Permittees that discharge to such waters shall apply for coverage under this general permit.

C. Where to File Application

The complete application shall be filed with the Agency at the following address:

Vermont Agency of Natural Resources
Stormwater Management Program
Water Quality Division
Department of Environmental Conservation
Building 10 North
103 South Main Street
Waterbury, Vermont 05671-0408

D. Public Notice of NOI

Any person who files a NOI shall at the same time provide a copy of the completed NOI form to the municipal clerk of the municipality in which the discharge is located for public posting by the clerk.

E. Public Comments on NOI

For a period of ten (10) days following receipt of a NOI, the Secretary shall provide an opportunity for written comments regarding whether the NOI complies with the terms and conditions of this general permit. The Secretary may reopen or extend the comment period if additional information is requested pursuant to Part II.F below.

F. Additional Information

The Secretary may require the applicant to submit additional information that the Secretary considers necessary in order to make a decision on the eligibility for, or the issuance or denial of an authorization to discharge pursuant to this general permit. The Secretary may refuse to authorize a discharge pursuant to this general permit if the additional information requested is not provided to the Secretary within thirty (30) days of the Secretary's request or within such other time period specified by the Secretary.

G. Requiring an Individual Permit

The Secretary may require any person who files a NOI to apply for an individual permit if the discharge does not qualify for coverage under this general permit or if the Secretary finds that an individual permit is required pursuant to Section 13.12 of the General Permit Rules.

H. Authorization to Discharge

Any person who files a NOI shall be authorized to discharge stormwater pursuant to this general permit upon the receipt of a written determination by the Secretary that the NOI is complete and the stormwater discharge is eligible for coverage under the terms and conditions of this general permit. The authorization to discharge issued by the Secretary shall be filed with local land records in accordance with Part VI.M of this general permit.

PART III. STORMWATER TREATMENT REQUIREMENTS AND STPS

A. Treatment Standards for Previous Permittees

1. General Treatment Standards

- a. Subject to subparts 2.a. and 2.b. below, a Previous Permittee shall comply with the requirements set forth in the most recent previously issued stormwater discharge permit or temporary pollution control permit.

2. Other Treatment Standards

- a. If the previously authorized stormwater management system was built prior to the effective date of this general permit and has substantially deteriorated, then the Previous Permittee shall upgrade the system or build a new system in accordance with the procedure set forth in Appendix B in order to meet the treatment standards for water quality and channel protection set forth in Section 1.1.1 and Section 1.1.2 of the Vermont Stormwater Management Manual; and.
- b. If the project was built, but the previously authorized stormwater management system was not built prior to the effective date of this general permit, then the Previous Permittee shall construct a stormwater management system in accordance with the procedure set forth in Appendix B in order to meet the treatment standards for water quality and channel protection set forth in Section

1.1.1 and Section 1.1.2 of the Vermont Stormwater Management Manual.

3. Enhanced Treatment Standards

Any Previous Permittee not covered by Part III.A.2.a. and b. above, may voluntarily elect to bring its previously permitted stormwater management system into compliance with the treatment standards in Section 1.1.1 (water quality) and Section 1.1.2 (channel protection) of the Vermont Stormwater Management Manual. If a Previous Permittee so chooses, it shall submit an application tailored to meet the treatment standards for water quality and channel protection in Sections 1.1.1 and 1.1.2 of the Vermont Stormwater Management Manual and shall construct and operate its stormwater management system in accordance with the Vermont Stormwater Management Manual and this general permit. For good cause shown, the Secretary may grant the Previous Permittee until November 15, 2004 to construct such an enhanced stormwater management system.

B. Available STPs

A Previous Permittee subject to Part III.A.2.a or b. above shall use the STPs listed in Tables 2.1 and 2.2 in Section 2 of the Vermont Stormwater Management Manual, alone or in combination, in order to meet the applicable treatment standards.

C. STP Required Design Elements

A Previous Permittee subject to Part III.A.2.a. or b. above shall comply with the required design elements in Section 2.7 of the Vermont Stormwater Management Manual for the chosen STPs.

D. Alternative STPs

A Previous Permittee subject to Part III.A.2.a. or b. above may use an alternative STP to meet the applicable treatment standards if it is approved by the Secretary pursuant to Section 2.5 of the Vermont Stormwater Management Manual. However, as provided in Part I.C.7 of this general permit, a Previous Permittee must obtain an individual permit for stormwater discharges that will be managed and treated by an alternative STP design.

PART IV. PROHIBITION

Discharges of any material other than stormwater, including but not limited to vehicle and equipment maintenance spills, fuels, wash water, construction debris, oil and other hazardous substances, are not authorized by this general permit.

PART V. OPERATION AND MAINTENANCE

A. Operation and Maintenance of Stormwater Management System

The permittee shall at all times properly operate, inspect and maintain all stormwater collection, treatment and control systems which are installed and used to achieve compliance with this general permit. The permittee shall use the operation, maintenance and inspection checklists provided by

the Secretary. The condition of the permitted facility shall at no time contribute to a violation of the terms, conditions, requirements, limitations and restrictions specified by this general permit.

B. Proper Disposal of Solids

Solids, sediments and other pollutants collected and removed in the course of treatment or control of stormwater runoff shall be disposed of in a manner to prevent any pollutant from entering waters or wetlands.

C. Annual Inspection and Report

The stormwater collection, treatment and control system shall be properly operated. The permittee shall submit an annual inspection report on the operation, maintenance and condition of the stormwater collection, treatment and control system. The inspection shall be conducted between the conclusion of spring snow melt and June 15th of each year and the inspection report shall be submitted to the Secretary by July 15th of each year, or by July 30th if performed by a utility or municipality pursuant to a duly adopted stormwater management ordinance. The inspection report shall note all problem areas and all measures taken to correct any problems and to prevent future problems.

D. Designer's Re-Statement of Compliance

In accordance with a schedule provided in the authorization to discharge, a permittee shall submit to the Secretary a written statement signed by a designer that the stormwater collection, treatment and control system authorized by this general permit is properly operating and maintained. Failure to submit a designer's re-statement of compliance shall constitute a violation of this general permit and may result in the revocation of an authorization to discharge under this general permit.

E. Corrective Action

Any erosion or associated discharge of sediment from the stormwater collection, treatment and control system shall be corrected immediately. Any deficiencies noted during inspections shall be corrected as soon as possible, but no later than sixty (60) days after detection.

F. Record Keeping

The permittee shall retain on-site a copy of all written records relating to the stormwater collection, treatment and control system and this general permit, including but not limited to calculations used to size STPs, for a period of at least three years from the date that the discharge's coverage under this general permit expires or is terminated. This period may be extended by request of the Secretary at any time. The permittee shall make such records available to the Secretary upon request.

G. Changes to a Permitted Development

A permittee shall notify the Secretary of any planned development or facility expansions or changes that may result in new or increased stormwater discharges. The Secretary may require the permittee to submit additional information on the proposed changes. The Secretary shall

determine the appropriateness of continued inclusion under this general permit by the modified development or facility. The Secretary may amend the authorization to discharge or the Secretary may require the permittee to seek coverage under another general permit or an individual discharge permit.

PART VI. STANDARD CONDITIONS

A. Duty to Comply

The permittee shall comply with all terms and conditions of this general permit and all authorizations to discharge issued hereunder. Any permit noncompliance shall constitute a violation of 10 V.S.A. Chapter 47 and may be cause for an enforcement action and/or revocation, modification or suspension of the permittee's authorization to discharge under this general permit.

B. Duty to Reapply

A permittee who wishes to continue to discharge after the expiration date of his/her authorization to discharge shall reapply for coverage under this general permit, or under another applicable general permit, prior to the expiration date of the authorization to discharge. If there is no applicable general permit, then the permittee shall reapply for coverage under an individual permit at least sixty (60) days prior to the expiration date of the authorization to discharge.

C. Continuation of the Expired General Permit

Provided the permittee has reapplied in accordance with Part VI.B of this general permit and is in full compliance with all terms and conditions of this general permit, the authorization to discharge under the expired general permit shall continue in force and effect until an authorization to discharge under a new general permit or an individual permit is issued. Only those permittees previously authorized to discharge under the expired general permit have continued authorization to discharge until such new general permit or individual permit is issued.

D. Transfer of Authorization to Discharge

Provided all applicable fees under 3 V.S.A. §2822 have been paid, a permittee and/or co-permittee may transfer to another person an authorization to discharge under this general permit by submitting a notice of transfer to the Secretary. The notice shall be submitted prior to the proposed date of any transfer and shall include the following:

1. Notice of Intent number;
2. Name and address of the present permittee;
3. Name and address of the prospective permittee;
4. Proposed date of transfer;
5. A copy of the most recent inspection report as required by Part IV.C of this general

permit;

6. A statement that any deficiencies noted in any inspection report(s) have been corrected and;
7. A statement signed by the prospective permittee, stating that:
 - a. the conditions of the facility operation that contribute to, or affect, the stormwater discharge will not be materially different under the new ownership;
 - b. the prospective permittee has read and is familiar with the terms of this general permit and agrees to comply with all the terms and conditions of this general permit; and
 - c. the prospective permittee has adequate funding or other means to effect compliance with all the terms of this general permit.

E. Modification of General Permit

After notice and opportunity for public hearing, this general permit may be modified in accordance with Section 13.12.C.7 of the General Permit Rules.

F. Right of Entry

The permittee shall allow the Secretary or his/her authorized representatives, at reasonable times and upon the presentation of credentials, to:

1. Enter upon and inspect the permitted development and the stormwater collection, treatment and control system and to sample any discharge to determine compliance with this general permit; and
2. Have access to and copy any records required to be kept pursuant to this general permit.

G. Operating Fees

Pursuant to 3 V.S.A. §2822, stormwater discharges authorized by this general permit are subject to operating fees. The permittee shall submit all operating fees in accordance with procedures provided by the Secretary. Failure to pay all operating fees shall constitute a violation of this general permit.

H. Rights and Privileges

This general permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations. This general permit does not obviate the necessity of obtaining such federal, state, or local permits or approvals as may be required by law.

I. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for the permittee 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 general permit.

J. Responsibilities and Liabilities Under Other Laws

Nothing in this general permit shall be construed to preclude the institution of legal action or relieve the permittee from any responsibilities, liabilities or penalties to which the permittee is or may be subject to under other laws, including but not limited to 10 V.S.A. §1281 (Oil and Hazardous Materials), 10 V.S.A. §905(9)(Wetlands) and the Vermont Wetland Rules, 10 V.S.A. §1259 (Underground Injection Wells) and the Vermont Groundwater Protection Rule.

K. Revocation

After notice and opportunity for public hearing, an authorization to discharge under this general permit may be revoked in accordance with Section 13.12.C.6 of the General Permit Rules.

L. Enforcement

Any violation of this general permit or relevant state law may result in the institution of legal proceedings pursuant to 10 V.S.A. §1274 or 1275 and/or 10 V.S.A. Chapters 201 and 211. Such legal proceedings may include, but are not limited to, the issuance of orders, the levying of penalties and/or imprisonment. Legal proceedings may also be instituted if a person knowingly makes any false statement, representation or certification in any application, record, report, plan or other document, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method, in connection with this general permit and any authorization to discharge issued under this general permit. In addition, the Secretary may issue orders pursuant to 10 V.S.A. §1272 and 1277 and may take any and all other enforcement actions, without limitation, provided by law.

M. Filing with Local Land Records

Each permittee shall file a copy of an authorization to discharge under this general permit in the local land records within seven (7) days of its issuance and a copy of the recording shall be provided to the Secretary within fourteen (14) days of the permittee's receipt of a copy of the recording from the local land records.

N. Effect of Permit

This general permit and all authorizations to discharge under this general permit shall run with the land. However, the permittee of record remains responsible for all maintenance, repairs, inspections and payment of fees required by this general permit and any authorization to discharge issued hereunder, until the permit is properly transferred pursuant to Part VI.D of this general permit.

PART VII. TERM

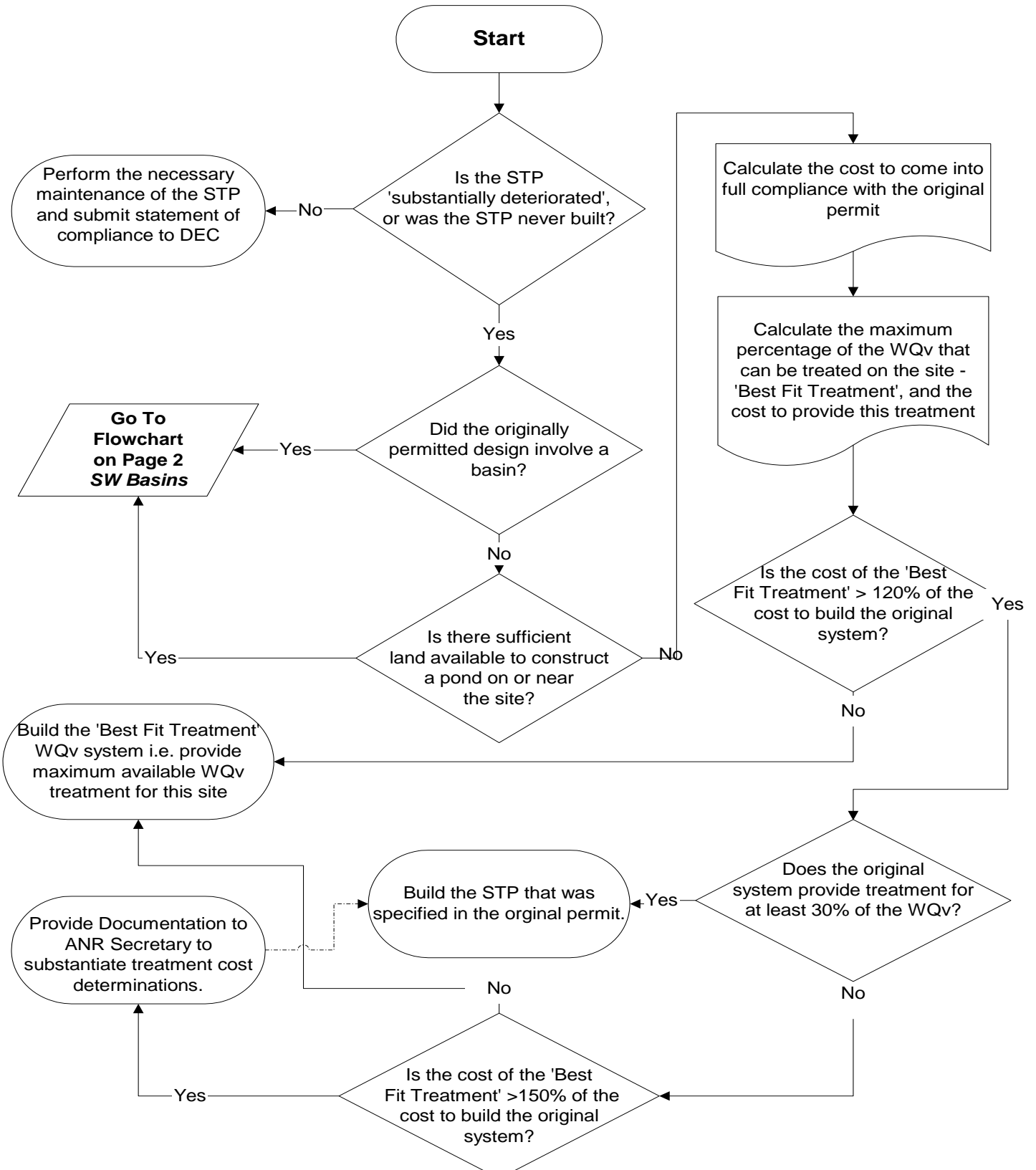
This general permit shall be effective from August 6, 2002 through August 5, 2010.

Signed this 8th day of May, 2007.

By _____
Peter LaFlamme, Director
Water Quality Division

Appendix B

Stormwater Treatment Practice (STP) - Evaluation Flowchart For Previously Permitted Systems



Appendix B (cont.)

Stormwater Treatment Practice (STP) - Evaluation Flowchart For Projects Involving Stormwater Basins

