

## RESPONSE SUMMARY FOR DRAFT GENERAL PERMIT 3-9015

### Re: New Stormwater Discharges to Waters that are not Principally Impaired by Collected Stormwater Runoff

The Vermont Department of Environmental Conservation (Department) has proposed to issue the above referenced permit to authorize new stormwater discharges to State waters that are not principally impaired by collected stormwater runoff. Draft General Permit 3-9015 was placed on public notice for comment from January 17, 2003 through February 19, 2003. A public hearing was not held.

Two sets of written comments were submitted to the Department during the public comment period. The following is a summary of these comments and the Department's responses. Some of the comments are paraphrased for clarity.

#### RESPONSE TO COMMENTS

Comment: Does the Agency have a list of "lakes and ponds that have drainage areas of less than 40 square miles and a drainage area to surface area ratio of less than 500, or tributaries of those lakes and ponds...."

Response: The Department does not have such a list. However, it is the Department's understanding that very few waters fall into this category.

Comment: Part I.B should include a "grandfathering" clause for all VTrans projects that have already completed the Necessity Hearing Process of Right of Way (ROW) acquisition. ROW acquisition is a very costly and time consuming process.

Response: Part I.B.7.d has been added to include limited 'grandfathering' for linear projects.

Comment: Single family homes and residential duplexes should not be exempt from permit coverage.

Response: The Department will consider changing the stormwater permit thresholds in its upcoming new Stormwater Management Rule. Comments relating to single family homes and residential duplexes will be considered by the Department during the public comment period for that Rule.

Comment: The portion of a bridge superstructure that spans the normal water level of a receiving water should be excluded in cases where no water from the approaches flows to the bridge deck. This exemption need not apply to bridges where traffic is greater than 30,000 vehicles per day. On dry crossings, exclusions should be in place such that overlapping impervious areas are not double counted (whether created from one project or separately).

Response: Part I.C.4. has been added in response to the comment pertaining to a bridge superstructure.

Comment: The definition of “phased development” in Part I.E. should be revised to clarify that a “plan” for purposes of phased development does not apply to independent projects discussed in the VTrans Long Range Transportation Plan and in similar plans of regional and town planning bodies.

Response: The definition of “phased development” in Part I.E. has been revised in response to this comment.

Comment: In Part I.E., “Structural STP” means devices that are constructed to provide temporary storage and treatment of stormwater runoff. This definition should be changed to read “provide temporary storage and/or treatment of stormwater runoff.” Not all STPs provide both storage and treatment.

Response: The definition of “Structural STP” in Part I.E. has been revised in response to this comment.

Comment: How does the “on-site” requirement for recordkeeping apply when a permitted area is a highway, bike path or other linear project? Perhaps VTrans could retain all records at the VTrans main office in Montpelier and at the local Maintenance District offices.

Response: As suggested by VTrans in its comment, the Department would require the entity responsible for constructing and/or maintaining the linear project to keep records available in its central office and all appropriate regional offices.

Comment: With regard to operating fees in Part VI.H, other state agencies should be exempt from payment of these fees. Intra-agency transfers tend to obscure the appropriations process set forth by the Vermont legislature.

Response: The payment of fees is governed by 3 V.S.A. §2822.

Comment: This permit must be issued as an NPDES permit.

Response: The Department does not agree that this general permit must be issued as an NPDES permit.

Comment: This permit must prohibit discharges that will cause or contribute to violations of Vermont Water Quality Standards.

Response: The discharges authorized pursuant to this general permit will be in compliance with the Vermont Water Quality Standards.

Comment: The proposed general permit does not require discharges to comply with Vermont's antidegradation policy.

Response: The discharges authorized pursuant to this general permit will be in compliance with the Vermont Water Quality Standards.

Comment: Discharges to waters known to support populations of threatened or endangered species should not receive coverage under any general permit.

Response: The Department is unaware of any legal prohibition in Vermont statutes or Rules, including but not limited to the Agency's General Permit Rules, which prohibit the issuance of general permits for discharges to waters known to support populations of threatened or endangered species.