Current Events

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New Permit Requirements Impact Public and Private Sectors

Change is underway in several aspects of permitting that will affect many clients in Vermont. We hope to inform readers of the general nature and key provisions of the permit changes in order to help them plan for compliance.

➢ *Stormwater Discharge Multi-Sector General Permits*

Who needs to apply?

While this technically is an industrial site stormwater rule, any business, person, or municipal entity that conducts activities that match any code in the Standard Industrial Code list may need to apply. The primary focus is on the handling and storage of substances and materials which, when combined with precipitation, could result in contamination of surface or groundwater. The Code list can be found in the application package. Nearly all manufacturing and processing plants will need to conform. Many municipalities also will require permits if they own or operate water and wastewater facilities, public works storage and maintenance facilities, or solid waste operations.

What is the schedule to conform to the Rules?

A deadline of August 18, 2006, was set for eligible applicants to submit a Notice of Intent to apply. Subsequently, the applicant and the Agency of Natural Resources (ANR) would work together to verify the need for a permit, whether an exclusion for "no exposure" would suffice, or if a full Stormwater Pollution Prevention Plan (SWPPP) is needed. The next deadline is May 14, 2007, when permit applications, reviews, and compliance are to be met unless an extension is granted. ANR is currently issuing letters to approximately 3,000 Vermont entities which may be subject to the Multi-Sector General Permit. After receiving applications, the ANR intends, during the winter months, to assist applicants and their consultants in the methods for compliance and basis for extensions as appropriate.

What are typical requirements if a SWPPP is needed?

Each site situation is different, but some facilities can comply by sheltering their activities from the elements. In other cases, stormwater runoff may need containment and/or treatment. Generally, future monitoring and water quality testing will be a permit condition.

Is a consultant required for these permits?

Not necessarily, but in many cases a site plan or soil investigation may be needed.

➢ *Stormwater and Erosion Control Permits*

Recent improvements have been implemented by ANR to facilitate the Construction Stormwater Permit process. ANR has increased its staff so there are six technical reviewers. They are presently being organized to cover separate regions although the staff remains at the Waterbury headquarters.

Applications are now separated by level of risk. Low risk applications will be handled administratively with short turnaround times and simple permit conditions. The deciding factors of risk level include:

- Receiving waters and whether "impaired";
- Extent of disturbance at any one time;
- Duration of construction activity;
- Soils and slopes; and
- Amount of vegetative buffering.

Winter construction requires special permitting. The period for winter extends from October 15 to April 15, and the winter permit will only cover one season. The application forms have been updated to include a series of checklists. These will assist the applicant, the consultant, and the technical reviewer.

➢ ANR will issue both a Field Guide and permit conditions. Every project site will require an On-site

Coordinator who is responsible for permit compliance and maintenance of all forms and reports. ***On-Site Septic Rules***

Beginning July 1, 2007, all sites being developed, changes in the use of a property, and on-site systems needing major repairs will require a State permit. Since this will likely double the number of permits processed, the ANR is undertaking several changes, including:

- New application forms with checklists;
- Sorting of applications to eliminate technical review for most applications;
- Clarifying definitions of failed water and wastewater systems;
- Leniency for failures; use of best fix approaches;
- Revisions to make the Rules easier to understand and use;
- Administrative issuance for projects connecting to municipal water and sewer facilities;
- Simplification of the "exemptions and waivers" now in the Rules; and
- Provision to file applications electronically.

For further information on the above permit changes, please contact Jon Ashley or Brandon Streicher of our office. You may also contact the State directly.

Personnel Notes

Heather LaDuke joined the firm in May 2006. She assists with topographic surveying, AutoCAD drafting and design, water system compliance, and environmental site assessments. Heather is a Class III Public Water System Operator and Grade I Domestic Wastewater Operator. She earned her Bachelor degree in Environmental Science from State University of New York at Plattsburgh. She enjoys cross country skiing, hockey, running, mountain biking, waterskiing, and spending time with her spouse and "furry" family.

The most recent addition to our staff is Jennifer Aman. Jennifer is an Autocad Technician, and she brings with her 11 years of experience in drafting. Jennifer enjoys antique and thrift stores, traveling, hiking, teaching her son how to draw maps, and spending time with her young sons Jonah and Micah.

We would like to congratulate Jeremy Rathbun on his recent engagement to Katrina Metcalfe. A September 2007 wedding is planned.

Project Achievements

This has been a very active year for Phelps Engineering. Following is a summary of some project highlights:

- ***Town of Middlebury***
  - Palmer Springs Chlorine Contact Time Improvements: Design and permitting have been completed, and construction is just getting underway for this water system upgrade.
  - Seminary Street Reconstruction was completed during this past summer.
  - College Street Utilities and Reconstruction are currently under construction.

- ***East Middlebury Fire District No. 1***
  In 2005, a new 12-inch transmission main was constructed. Currently, chlorine contact improvements are underway at both well sites.

- ***Town of Waitsfield***
  The design phase has been initiated for the new community wastewater facilities intended to service portions of Irasville and Waitsfield Village. Also, a new drilled well has been installed which will enable a public water supply project to serve the Villages.

- ***Town of Weybridge***
  Phelps Engineering teamed with GeoDesign to assist the Town with replacement and stabilization of two roadway sites which slid into Otter Creek this past year. This was an emergency project, and construction has already been completed on one of the sites.

- ***Ferrisburgh Central School***
  Following years of planning and permitting, a new community wastewater system is being constructed to serve the School, proposed Town Offices, and a reserve capacity for other uses. The disposal system is on a separate parcel owned by the Hinsdale family that may be sold to the Town.

- ***Middlebury College Master Planning***
  We are assisting the College's consultants with several aspects of a new Master Plan. This includes mapping updates and assessment of current infrastructure.

- ***South Alburgh Fire District No. 2***

We are nearing completion of the design and permitting for the first of a three-phase buildout of a new water system with approximately 20 miles of water main. It is expected to receive bids this winter for construction next summer.

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