

STATE OF VERMONT  
AGENCY OF NATURAL RESOURCES  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

**STORMWATER OFFSET PROJECT PERMIT**

In compliance with provisions of 10 V.S.A. §§1264 and 1264a and Section 9 of Act 140 of the 2004 Vermont Legislative Session and in accordance with "Terms and Conditions" hereinafter specified,

Town of Shelburne  
P.O. Box 88  
Shelburne, VT 05482

the permittee, is hereby granted permission for an offset project located on Pinehurst Drive at Hullcrest Park, discharging to an unnamed tributary to Monroe Brook, in Shelburne, Vermont.

1. **Expiration Date:** Five years from issuance date of final permit. Note: This permit, unless revoked, modified or suspended, shall be valid until the designated expiration date notwithstanding any intervening change in water quality, treatment standards, or classification of the receiving waters including groundwater. However, any such change in water quality or changes in standard or classification, and any applicable requirements in a TMDL issued for Monroe Brook, shall be applied in determining whether or not to renew this offset permit and in determining the conditions of a renewed offset permit.
2. **Description of Offset Project:** The offset consists of the installation of a subsurface stormwater treatment system, manufactured by StormTech™ or equal, treating runoff from portions of Martindale Road, Summit Circle, Oak Hill, Juniper Ridge, Woodbine Road, Brook Lane, and Birch Road, all as set forth in the plans specified in paragraph 11 of this permit.
3. **Offset Charges and Offset Charge Capacity:** This offset project is eligible to receive offset charges under 10 V.S.A. §1264a as provided in Section 9 of Act 140 of the 2004 Vermont Legislative Session. The Secretary of the Agency of Natural Resources ("Secretary") has allocated this offset project an offset charge capacity of 7,278 pounds of sediment per year, and 1.56 acre-feet of hydrologic offset capacity per year.
4. **Secretary's Determination:** The Secretary has determined that this offset project will not violate any applicable provisions of state or federal law or regulation.
5. **Assignment of Offset Charge Capacity:** The Secretary shall assign offset charge capacity generated by this offset project. The Secretary may only assign the offset charge capacity generated by this offset project to discharges of regulated stormwater runoff to Monroe Brook.
6. **Right of Entry:** The permittee shall allow the Secretary, or his or her authorized representatives, at reasonable times, and upon presentation of credentials, to have access to and inspect and copy any records required to be kept pursuant to this permit.

7. **Revocation**: The Secretary may revoke, modify or suspend this offset permit if it is found that the permittee submitted false or inaccurate information in its application, has violated any requirement, restrictions, or condition of this offset permit, or if there is any change in any condition that requires a change in or elimination of the offset project. The Secretary shall impose conditions as the Secretary deems necessary for regulating the offset project if this permit is revoked, modified or suspended.
8. **Fees**: This permit is subject to fees under 3 V.S.A. §2822. The permittee shall submit the operating fees to the Agency in accordance with procedures provided by the Secretary.
9. **Transfer of Permit**: This permit is not transferable without prior written approval of the Secretary. Provided all applicable fees under 3 V.S.A. §2822 have been paid, a permittee may transfer this permit by submitting a notice of transfer on a form provided by the Secretary. The notice shall be submitted at least thirty (30) days prior to the proposed date of transfer. The notice shall state that the prospective permittee has adequate funding to comply with this permit. The permittee shall provide a copy of this permit to the prospective permittee and inform it of the responsibility to make application for a permit which shall be issued in its name. Any failure to do so shall be considered a violation of this permit.
10. **Operation Plan**: This offset project shall be operated in accordance with the following site plans and details prepared by Trudell Consulting Engineers: Sheet SP1, Overall Watershed Area, dated 4/05/05; SP2, Existing Conditions Site Plan, dated 4/5/05; SP3, Stormwater Management Site Plan, dated 4/5/05; SP5, Erosion Control Plan, dated 4/5/05; SP6, Sub Watersheds & Existing Drainage Plan, dated 4/5/05; and supporting information

1. By reference, the above noted plans are made a part of this offset permit.

12. **Maintenance Plan and Reporting Requirements**:

- a. The offset project shall be maintained in good operating condition at all times and **shall be inspected annually and cleaned as necessary to maintain design specifications. The inspections shall be conducted between the conclusion of spring snow melt and June 15<sup>th</sup> of each year.**
- b. Any sediment removed from the system shall be disposed of properly in accordance with state and federal statutes and regulations.
- c. **By July 15 of each year the permittee shall submit a written report to the Department of Environmental Conservation, Water Quality Division, Building 10 North, 103 South Main Street, Waterbury, Vermont 05671-0408. This report shall include, at a minimum:**
  - i. for the first report, an inspection and verification that the project was built in compliance with the Approved Project Design per #10 above;
  - ii. the dates and details of any cleaning and maintenance operations carried out in the preceding year;
  - ii. a narrative summarizing the results of any inspections conducted in the

preceding year and highlighting any stormwater related problems encountered, and all remedial steps taken in response;

3. Personnel and Training Requirements: Such personnel and training as necessary to fulfill the requirements of this offset permit.
14. Monitoring and Reporting Requirement: No monitoring required; reporting requirement as specified in #12 above.
15. Renewal of Offset Permit: The permittee shall reapply for a renewed offset permit at least ninety (90) days prior to the expiration date.
16. Other permits: The permittee should be aware that the issuance of this permit does not relieve the permittee from the responsibility to obtain any other local, state or federal permits required by law.
7. Rights to Appeal to the Environmental Court: Pursuant to 10 V.S.A. Chapter 220, any appeal of this decision must be filed with the clerk of the Environmental Court within 30 days of the date of the decision. The appellant must attach to the Notice of Appeal the entry fee of \$225.00, payable to the state of Vermont. The Notice of Appeal must specify the parties taking the appeal and the statutory provision under which each party claims party status; must designate the act or decision appealed from; must name the Environmental Court; and must be signed by the appellant or their attorney. In addition, the appeal must give the address or location and description of the property, project or facility with which the appeal is concerned and the name of the applicant or any permit involved in the appeal. The appellant must also serve a copy of the Notice of Appeal in accordance with Rule 5(b)(4)(B) of the Vermont Rules for Environmental Court Proceedings. For further information, see the Vermont Rules for Environmental Court Proceedings, available on line at [www.vermontjudiciary.org](http://www.vermontjudiciary.org). address for the Environmental Court is 2418 Airport Road, Suite 1, Barre, VT 05641 (Tel. # 802-828-1660).

Dated at Waterbury, VT this 7<sup>th</sup> day of September 2005

Jeffrey Wennberg, Commissioner  
Department of Environmental Conservation

By Wallace McLean  
Wallace McLean, Director  
Water Quality Division