

Permit Number 3921-9010
Project ID Number EJ05-0141

VERMONT DEPARTMENT OF ENVIRONMENTAL CONSERVATION
AUTHORIZATION TO DISCHARGE UNDER
GENERAL PERMIT 3-9010 AMENDED

A determination has been made that the applicant:

Town of Shelburne
PO Box 88
Shelburne VT 05482

meets the criteria necessary for inclusion under General Permit 3-9010 Amended. Here after the named applicant shall be referred to as the permittee. Subject to the conditions of General Permit No. 3-9010 Amended, the permittee is authorized to discharge stormwater from the Heritage Lane Residential Subdivision located on Heritage Lane in Shelburne, Vermont to McCabes Brook as previously described in Individual Permit No. 1-0246:

Manner of Discharge:

S/N 001: Stormwater runoff from the paved roads, roofs, and natural terrain via sheet flow to the closed catch basin drainage system, with passage through a baffled septic tank to remove settleable and floatable materials with discharge to McCabes Brook.

Compliance with General Permit 3-9010 Amended and this Authorization

The permittee shall comply with this authorization and all the terms and conditions of General Permit 3-9010 Amended, including the payment of annual operating fees to the Department. A billing statement for such fees will be sent to the permittee each year. The first year's statement is enclosed. Any permit non-compliance, including a failure to pay the annual operating fee, constitutes a violation of 10 V.S.A. Chapter 47 and may be grounds for an enforcement action or revocation of this authorization to discharge.

Transferability

This authorization to discharge is not transferable to any person except in compliance with Part VI.D. of General Permit 3-9010 Amended. A copy of General Permit 3-9010 Amended is available from the Department via the internet at <http://www.vtwaterquality.org/Stormwater/GenPermitUnimpairedWaters.pdf>.

Changes to Permitted Development

In accordance with Part V.G. of General Permit 3-9010 Amended, the permittee shall notify the Department of any planned development or facility expansions or changes that may result in new or increased stormwater discharges. The Department shall determine

the appropriateness of continued inclusion under General Permit 3-9010 Amended by the modified development or facility.

Annual Inspection and Report

The stormwater collection, treatment and control system authorized herein shall be properly operated and maintained. An inspection shall be conducted between the conclusion of spring snow melt and June 15th of each year. The inspection shall evaluate the operation and maintenance and condition of the stormwater collection, treatment and control system. The permittee shall prepare an annual inspection report on a form available from the Department. The permittee shall submit an inspection report to the Department 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.

Restatement of Compliance

Every 3 years, the permittee shall submit to the Department a written statement signed by a designer that the stormwater collection, treatment and control system authorized herein is properly operating and maintained. The first re-statement of compliance is due May 25, 2008. Failure to submit a designer's restatement of compliance shall constitute a violation of General Permit 3-9010 Amended and may result in the revocation of this authorization to discharge.

Filing of this Authorization with Local Land Records

In accordance with Part VI.M. of General Permit 3-9010 Amended, the permittee shall file a copy of this authorization to discharge in the land records within seven (7) days of its issuance and a copy of the recording shall be provided to the Department within fourteen (14) days of the permittee's receipt of a copy of the recording from the local land records.

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. The address for the Environmental Court is 2418 Airport Road, Suite 1, Barre, VT 05641 (Tel. # 802-828-1660).

Effective Date and Expiration Date of this Authorization

This authorization to discharge shall become effective on May 25, 2005 and shall continue until August 5, 2010. The permittee shall reapply for coverage at least sixty (60) days prior to August 5, 2010.

Dated at Waterbury, VT this 25th day of May, 2005.

Jeffrey Wennberg, Commissioner
Department of Environmental Conservation

Handwritten signature of Wallace McLean in cursive script, followed by a horizontal line.

By _____

Wallace McLean, Director
Water Quality Division