

STATE OF VERMONT
AGENCY OF NATURAL RESOURCES
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
WATERSHED MANAGEMENT DIVISION
1 NATIONAL LIFE DRIVE, DAVIS 3
MONTPELIER, VT 05620-3522

DISCHARGE PERMIT
NPDES Number: VTS007806
Permit Number: 9892-INDC

For stormwater discharges from the construction and construction-related activities associated with the construction of the **Trout Brook Reservoir Dam Removal** project located at **Reservoir Road in Berkshire, Vermont**.

In compliance with provisions of the following state and federal laws and rules: the Vermont Water Pollution Control statute, 10 V.S.A. Chapter 47, including §§1258, 1259 and 1263 and 1264; the Stormwater Permitting Rule (Chapter 22: Vermont Environmental Protection Rules); the Vermont Water Pollution Control Rules, Chapter 13, the federal Clean Water Act, as amended, 33 U.S.C. 1251 et seq., including 33 USC 1342(p); and the regulations of the federal Environmental Protection Agency including 40 CFR 122.26 and in accordance with terms and conditions hereinafter specified,

Permittee(s) and Co-Permittees: (All landowners and operators shall obtain coverage as co-permittees prior to the commencement of construction activities.)

Village of Enosburg Falls
42 Village Drive
Enosburg, VT 05450

are hereby authorized by the Secretary of the Agency of Natural Resources (ANR), to discharge stormwater runoff from construction and construction-related activities associated with the construction of Trout Brook Reservoir Dam Removal located at Reservoir Road in Berkshire, Vermont discharging to Trout River.

This authorization incorporates by reference the following Erosion Prevention and Sediment Control Plan (EPSC Plan) provided by the applicant to the Secretary:

Plan Set Reference:

SLR Consulting;

Sheet 1, Title Sheet, dated 03/25/2025, last revised 05/2/2025

Sheet 2, Site Plan - Existing Conditions, dated 03/25/2025

Sheet 3, Site Plan - Proposed Conditions, dated 03/25/2025

Sheet 4, Site Plan - Sediment & Erosion Controls, dated 03/25/2025, last revised 05/2/2025

Sheet 5, Site Plan - Sediment & Erosion Controls, dated 03/25/2025, last revised 05/2/2025

Sheet 6, Site Restoration and Stabilization Plan, dated 03/25/2025

Sheet 7, Channel Profile and Dam Elevation, dated 03/25/2025

Sheet 8, Typical Sections, dated 03/25/2025

Sheet 9, Typical Sections, dated 03/25/2025

Sheet 10, Typical Sections, dated 03/25/2025

Sheet 11, Typical Sections, dated 03/25/2025

Sheet 12, Details I, dated 03/25/2025

Sheet 13, Details II, dated 03/25/2025

Sheet 14, Details III, dated 03/25/2025

Sheet 15, Details IV, dated 03/25/2025

Part I. Coverage Under this Permit

A. Discharges Covered by this Permit

Subject to compliance with the terms and conditions of this permit, this permit authorizes the discharge of pollutants in stormwater associated with the construction and construction-related activity associated with the construction of **Trout Brook Reservoir Dam Removal** located at Reservoir Road in Berkshire, Vermont discharging to **Trout River**.

This permit only applies to construction and construction-related activities performed in accordance with the approved EPSC Plan. This permit also authorizes discharges from excavation dewatering activities in accordance with Part II.H of this permit.

B. Limitations on Coverage

1. The Secretary has determined that an individual permit is required for this project.
2. This permit does not authorize:
 - a. Discharges of post-construction regulated stormwater runoff from impervious surfaces regulated pursuant to Vermont's stormwater statute (10 V.S.A. Section §1264) and Vermont Department of Environmental Conservation's (DEC) Stormwater Permitting Rule (Chapter 22: Vermont Environmental Protection Rules);
 - b. Stormwater discharges not associated with construction and construction-related activities;
 - c. Stormwater discharges from construction and construction-related activities when the discharge or activity is likely to jeopardize the continued existence of any State or federally listed threatened or endangered species or result in the destruction or adverse modification of critical habitat.

C. Support Activities

The permittee shall obtain permit coverage from the Secretary prior to the use of any support activities occurring outside of the identified project limits of disturbance (e.g., equipment staging areas, material storage areas, excavated material disposal areas and borrow areas). Support activities outside of the approved project boundaries shown in the EPSC Plan shall obtain coverage by amending this permit, or by obtaining coverage under a different individual discharge permit or under DEC's General Permit for Stormwater Runoff from Construction Sites.

D. Co-Permittees

1. In addition to the permittee, all landowners and operators associated with the construction activity who meet either of the following two criteria must obtain coverage under this permit as co-permittee prior to the commencement of construction activities:
 - a. The party has operational control over construction plans and specifications, including but not limited to the ability to make modifications to those plans and specifications; or
 - b. The party has continuous day-to-day operational control of those activities authorized by the permit, which shall include all construction and construction-related activities involving earth disturbance and EPSC Plan implementation.

Part II. Erosion Prevention and Sediment Control Requirements

A. Implementation of EPSC Plan

1. Each permittee is responsible for implementing the approved EPSC Plan and shall at all times comply with the approved EPSC Plan or amended versions of the EPSC Plan updated in accordance with this permit.
2. The EPSC Plan is incorporated by reference and included in the terms of this permit, and each permittee shall implement the provisions of the EPSC Plan, and all amendments thereto, as a condition of this permit. Failure to comply with the EPSC Plan, and all amendments thereto, shall be deemed a violation of this permit and subject to potential enforcement.
3. Each permittee is responsible for ensuring that each co-permittee involved in construction activities is familiar with the terms and conditions of the EPSC Plan and that each co-permittee's activities are carried out in accordance with the EPSC Plan.
4. The permittee shall assure that construction of all small and large sediment control practices, where proposed on the site, are completed in accordance with the 2020 "The Vermont Standards and Specifications for Erosion Prevention and Sediment Control" prior to upslope earth disturbance of areas for which these features are designed to provide sediment control.

5. The permittee shall assure that, prior to earth disturbance within any area of the site located within 100 feet upslope of a stream or wetland, silt fence or approved perimeter control shall be installed in accordance with the 2020 "The Vermont Standards and Specifications for Erosion Prevention and Sediment Control" and the EPSC Plan at an appropriate distance down slope from disturbed areas and upslope from such waters.
6. The permittee shall install all required elements as set forth in the EPSC Plan within a given work area prior to earth disturbance within that work area. Earth disturbance includes, but is not limited to, stumping and grubbing of cleared areas.

B. On-Site Plan Coordinator (OSPC)

1. The permittee shall designate a person as the OSPC who shall be directly responsible for on-site implementation of the EPSC Plan. Such person shall be knowledgeable in the principles and practice of erosion prevention and sediment controls and possess the skills to assess conditions at the construction site that could impact stormwater quality and to assess the effectiveness of all erosion prevention and sediment control measures selected to control the quality of stormwater discharges from the construction and construction-related activity.
2. The OSPC shall have the authority to stop and/or modify construction activities as necessary to comply with the EPSC Plan and the terms and conditions of this permit and shall be responsible for inspections and record keeping. The OSPC or their designee shall be on site on a daily basis during construction and construction-related activity. The OSPC does not have to be the permit applicant.
3. The name, email, and daytime telephone number of the OSPC shall be filed in writing by email with the DEC Stormwater Management Program district staff member prior to the commencement of construction and construction-related activities.

C. Maintenance of Erosion Prevention and Sediment Control Measures

1. All erosion prevention and sediment control measures (Best Management Practices) identified in the EPSC Plan shall be maintained in effective operating condition. If site inspections required by Part III.A identify Best Management Practices (BMPs) that are not operating effectively, maintenance shall be performed as soon as possible and before the next storm or snowmelt event to maintain the continued effectiveness of the measures. If implementing BMPs is impracticable before the next storm or snowmelt event, then the affected area shall be stabilized temporarily until such time that the BMPs can be installed.
2. If existing BMPs need to be modified or if additional BMPs are necessary for any reason, implementation shall be completed before the next storm event. If implementing BMPs is impracticable before the next storm event, then the affected area shall be stabilized temporarily until such time that the BMPs can be installed. These instances shall be documented pursuant to OSPC inspections required under this permit.

D. Modifications to the EPSC Plan Identified as Necessary During Inspections

1. If, based upon inspections or investigations by representatives of the Secretary, it is determined that the EPSC Plan may not consider a given site condition and there is a reasonable potential to cause, or contribute to a release of a visibly discolored discharge, or other discharge from the construction site that would cause or contribute to a violation of Vermont's Water Quality Standards, the permittee shall be required to:
 - a. Modify the EPSC Plan and implement a project change to adequately address the identified concern within seven (7) calendar days following the inspection or per a schedule as otherwise established in a directive by the Secretary; or
 - b. Cease discharges of pollutants to surface waters from the construction activity; or
 - c. Submit valid and verifiable data with seven (7) days, to be reviewed and approved by the Secretary, containing information representative of current conditions, including stormwater discharges, and any known or identifiable impacts that occurred to waters, wetlands, or established buffers specific to stormwater discharges, including sediment transport or deposition.
2. At any time after issuing this permit, the Secretary may, in their sole discretion, determine that a stormwater discharge may cause, has reasonable potential to cause, or contribute to a violation of Vermont's Water Quality Standards. If such a determination is made, the Secretary will require the permittee to:
 - a. Amend the EPSC Plan to address adequately the identified water quality concerns.

- b. Submit valid and verifiable data and information that are representative of ambient conditions and indicate that the receiving water is attaining water quality standards; or
 - c. Cease discharges of pollutants to surface waters from the construction activity.
3. The Secretary has the sole discretion to order a permittee to immediately stop all ongoing construction and construction-related activities upon a finding that a discharge or potential discharge from such activities presents a current or potential threat of harm to the environment. The Secretary's stop work order may also require the permittee to take all actions to prevent or correct the discharge or potential discharge. Any action taken by the Secretary pursuant to this subpart shall not limit the Secretary's authority to pursue other enforcement actions pursuant to 10 V.S.A Chapters 47 and 201.
4. Each revised EPSC Plan prepared pursuant to this Part shall be maintained on-site and shall be made available to the Secretary's representatives upon request.

E. EPSC Plan Availability

The permittee shall maintain a copy of the EPSC Plan, including any amendments thereto, and all records of co-permittee status for additional landowners and operators responsible for construction and construction-related activities onsite at all times. A copy of the EPSC Plan shall be made available to the Secretary, or his or her designated representative, upon request.

F. Project Changes

1. Project Changes That Do Not Require a Permit Amendment
 - a. Use of interchangeable practices found in "The Vermont Standards and Specifications for Erosion Prevention and Sediment Control". Interchangeable practices include those identified to serve similar or equivalent erosion prevention or sediment control.
 - b. A change that increases the total project-related earth disturbance by 10 percent or less than the previously authorized total, provided that
 - i. The increased area(s) of disturbance are contiguous to the disturbed area authorized.
 - ii. The permittee documents this change on a form provided by the Secretary. This documentation shall be completed and maintained on site with the permittee's existing authorization.
 - c. The use of active stormwater treatments, including flocculants, provided a permittee has obtained the Secretary's written approval and has revised any EPSC Plan applicable to the project.
 - i. When the use of active stormwater treatments, including flocculants, was not previously approved as part of an existing authorization, a permittee shall submit in writing a request for the Secretary's written approval, including a detailed description of the proposed use of active stormwater treatments and any additional information requested by the Secretary.
 - d. The permittee shall update the EPSC Plan prior to implementing any change in the design, construction, operation, or other procedure which would alter the grading plan, construction sequence, or the location or implementation of any BMPs.
 - e. An update to the EPSC Plan is required, if after taking corrective action, as required in Part III.B, it is determined that the EPSC Plan requires modification to be effective in future efforts in preventing erosion and controlling the discharge of sediment.
 - f. An update to the EPSC Plan is required if the Secretary makes this determination pursuant to Part II.D.1 of this permit.
 - g. The OSPC is authorized to implement project changes that involve substituting interchangeable erosion prevention and sediment control practices in "The Vermont Standards and Specifications for Erosion Prevention and Sediment Control". Interchangeable practices include those identified to serve similar or equivalent erosion prevention or sediment control. The substitution shall be noted on the on-site EPSC Plan.

- h. For changes to the EPSC Plan other than substitution of interchangeable practices, the permittee shall have the EPSC Plan modified to reflect the change by either the original designer, a professional engineer licensed in the State of Vermont or a Certified Professional in EPSC. Such modification shall include a certification that the modified EPSC Plan meets the requirements of this permit and "The Vermont Standards and Specifications for Erosion Prevention and Sediment Control".
 - i. All proposed changes to the EPSC Plan that do not conform to The Vermont Standards and Specifications for Erosion Prevention and Sediment Control must be submitted to the Secretary for formal approval prior to implementation of the changes in the field.
 - j. Any project change involving earth disturbance substantially outside (non-contiguous) of the originally authorized limits of disturbance, provided the permittee submits to the Secretary request for written approval prior to implementation of the change. The Secretary may consider several factors in determining whether the change is substantial and requires an amendment to the permit. Such considerations may include, but are not limited to, size of additional area(s) to be disturbed, existing condition of area(s) to be disturbed, proximity to water resources and their buffers, proximity to existing development, and whether the change will present a reasonable potential to cause or contribute to water resources impacts.
 - k. The modified EPSC Plan submitted pursuant to Part II.F.1(h) shall include:
 - i. A narrative description of the change(s);
 - ii. Justification for the change(s);
 - iii. An updated EPSC Plan sheets showing the proposed change(s);
 - iv. Any additional information required by the Secretary
2. Project Changes that Require an Amendment to the Permit
- a. All project changes determined by the Secretary to present a reasonable potential to cause or contribute to water resource impacts.
 - b. Increases to the total project-related area of earth disturbance by more than 10 percent of the previously authorized total area of earth disturbance.
 - c. Increases to the total amount of concurrent earth disturbance.
 - d. Decreases in the effectiveness or length of vegetated buffers between the construction site earth disturbance and the receiving waters, such that the risk score calculated in the *Appendix A – Risk Evaluation of Vermont’s Construction General Permit 3-9020* and completed at the time of application, increases.
 - e. Increases to the slope or erodibility of soils within the limits of disturbance, such that the risk score calculated in the *Appendix A – Risk Evaluation of Vermont’s Construction General Permit 3-9020* and completed at the time of application, increases.

G. Winter Construction Period (late fall/winter/early spring construction activities)

- 1. If construction activities involving earth disturbance continue past October 15 or begin before April 15 (Winter Construction), the permittee shall implement Winter Construction EPSC practices as outlined in the EPSC Plan and as identified in "The Vermont Standards and Specifications for Erosion Prevention and Sediment Control".
- 2. If a permittee plans to undertake construction activities during Winter Construction and the EPSC Plan does not identify EPSC measures during this time period, the permittee shall submit a stand-alone EPSC Plan for this late fall/winter/early spring work to the Secretary for formal approval prior to undertaking such activities. The submission shall include a narrative description of the proposed work and the stand-alone EPSC Plan shall include only this work. The stand-alone EPSC Plan shall be designed according to "The Vermont Standards and Specifications for Erosion Prevention and Sediment Control".
- 3. All possible measures will be taken to limit the exposure of soils during all late fall/winter/early spring construction activities. The Secretary reserves the right to require suspension of construction activities until after April 15 if late fall/winter/early spring construction is determined to present a significant risk to water quality. Also, the Secretary reserves the right to prohibit construction activities from October 15 through April 15 if construction activity during the Winter Construction Period is determined to present a significant risk to water quality.

H. Dewatering Activities

1. A site-specific dewatering plan shall be employed for any dewatering activities. The dewatering plan shall detail the following:
 - a. Nature of activity requiring dewatering;
 - b. Location of the dewatering pumpage show on plan;
 - c. EPSC practice(s) to be used during dewatering activities; and
 - d. Anticipated duration of dewatering activities.

The use of EPSC practice(s) for dewatering activities not included in the original EPSC Plan are subject to the requirements of Part II.F.

Pumpage from areas excavated for the construction of the project shall be treated or disposed of in such manner that any dewatering discharge to waters of the state is visibly clear and does not present a significant risk of environmental harm or significant risk to public health and safety. Prior to any dewatering activities which may result in the pumpage reaching State waters by surface flow, the permittee shall measure and document the turbidity value to ensure that it is sufficient to comply with the terms and conditions of this permit. The inspection reports shall contain information on when dewatering is being done, measures being utilized for treatment, and effectiveness of those measures.

If the receiving water is off-site, the permittee shall confirm the runoff flow path will not present a significant risk to environmental harm or public health and safety in route to the stormwater discharge location. If the stormwater discharge results in a significant risk of environmental harm or a significant risk to public health and safety, the permittee shall cease dewatering activities and evaluate whether the dewatering plan requires modification to minimize or prevent such risks.

I. Disturbance Limitations/Stabilization

1. The total earth disturbance associated with construction of this project is **9.43** acres. The maximum area of concurrent earth disturbance at any one time allowed under this permit is **6.70** acres.
2. All areas of earth disturbance must have temporary or final stabilization within **14** days of initial disturbance. After this initial 14 day period, all disturbance in these areas must be temporarily or permanently stabilized in advance of any runoff producing event. A runoff producing event is an event that produces runoff from the construction site. The following exception to the above stabilization requirements applies:
 - a. Stabilization is not required if the work is occurring in a self-contained excavation (i.e. no outlet for stormwater) with a depth of 2 feet or greater (e.g. underground utility installation). Areas of a construction site that drain to sediment basins are not considered eligible for this exemption and the exemption applies only to the excavated area itself.

J. Pre-construction Conferences

The permittee shall notify the Secretary of the planned start date and schedule a pre-construction conference at least two weeks prior to commencing construction. The pre-construction conference shall occur prior to initiating construction activities and shall be attended by the OSPC, EPSC Specialist, and a representative of the Secretary. At the discretion of the Secretary, a Pre-Construction Conference may be completed off-site from location of the project site and may also occur via video or phone conference if determined to be acceptable and preferable to all parties involved.

K. Presumption of Compliance with Vermont's Anti-Degradation Policy and Water Quality Standards

The Secretary has determined that the permitted discharges satisfy Vermont's Anti-Degradation Policy described in the DEC's Interim Anti-Degradation Implementation Procedure (Procedure), because the procedure allows a presumption of compliance for discharges that meet the requirements of a BMP or treatment and control manual as described in Section IX.D.1.a of the Procedure. The Secretary has also determined that for such discharges that qualify for the presumption under IX.D.1.a, all existing uses of surface waters, and the level of water quality necessary to protect those existing uses will be maintained and protected. The Secretary has determined that if the permittee is in full compliance with all permit conditions, including approved plans, sampling, monitoring, reporting and recordkeeping conditions, and is fully implementing stormwater BMPs required by this permit, the permitted discharges will meet the requirements of "The Vermont Standards and Specifications for Erosion Prevention and Sediment Control" and qualify for the presumption described in Section IX.D.1.a of the Procedure and will be presumed to comply with the Vermont Water Quality Standards, including but not limited to §1-03 (Vermont's Anti-degradation Policy).

Part III. Inspections, Discharge Sampling, Corrective Action, and Recordkeeping

A. General Inspection Requirements

1. The permittee is responsible for inspecting and maintaining erosion prevention and sediment controls that minimize or eliminate pollutants in the discharge in accordance with the requirements of this permit.
2. Inspections shall be conducted at least once every seven (7) calendar days and as required in Part III.B of this permit.
3. During the Winter Construction period (October 15 through April 15), daily inspections shall be conducted of areas that have been disturbed and are not yet finally stabilized (70 percent vegetated cover or equivalent stabilization with stone or other material).
4. Inspections and corresponding reports may be reduced to not less than one (1) per month if the entire site is temporarily stabilized.
5. Inspections may be postponed indefinitely if the entire site has achieved final stabilization.
6. Inspections shall be conducted by, or under the direction of, the OSPC.
7. Inspections shall include all areas of the site disturbed by construction activity and construction-related activity, and all discharge locations, including areas with temporary stabilization.
8. An inspection report shall be completed for each inspection and signed by the OSPC or the person acting under the direction of the OSPC. At a minimum, each inspection report shall include:
 - a. The inspection date and time;
 - b. Names, titles, and qualifications of personnel making the inspection;
 - c. A general description of weather information for the period since the last inspection (or since commencement of construction or construction-related activity if the first inspection) including a general description of any precipitation, any runoff of visibly discolored stormwater from the construction site and any discharges of visibly discolored stormwater from the construction site to waters of the state;
 - d. A description of current weather information, including approximate duration and accumulation of any precipitation or snowmelt, and a description of any runoff or discharges of visibly discolored stormwater from the site or to waters of the state occurring at the time of the inspection;
 - e. Confirmation that the inspection was performed during the precipitation or snowmelt event, and if not an explanation;
 - f. Location(s) of clear discharges of stormwater runoff from the site, with a description of any evidence of prior or current sediment transport at this location, including resuspension and transport of previously deposited sediment;
 - g. Location(s) of runoff or discharges of visibly discolored stormwater from the site or to waters of the state;
 - h. Location(s) of BMPs that need to be maintained;
 - i. Location(s) of BMPs that failed to operate as designed or proved inadequate for a particular location;
 - j. Location(s) where additional BMPs are needed that did not exist at the time of inspection;
 - k. Any corrective action required including any necessary changes to the EPSC Plan and implementation dates, to be completed prior to the next event that produces runoff from the construction site;
 - l. Description of areas that are currently disturbed, areas that have been temporarily stabilized, and/or areas that have achieved final stabilization since last inspection;
 - m. A description of the soil conditions (e.g. dry, wet, saturated); and
 - n. A certification that the construction activities are now in compliance with the EPSC Plan and this permit.
9. A record of each inspection report and of any actions taken in accordance with this Subpart shall be maintained on-site with the EPSC Plan and shall be made available upon request by the Secretary's representatives.

10. When site conditions occurring outside of the Winter Construction period (October 15 – April 15) are similar to winter conditions (e.g. snow cover, frozen ground and/or saturated soils) within the areas of planned earth disturbance, the appropriate winter restrictions from the 2020 "The Vermont Standards and Specifications for Erosion Prevention and Sediment Control" selected by the OSPC shall be applied to the portions of the site that are experiencing those conditions.

B. Inspection, Sampling and Corrective Action Requirements

1. As soon as reasonably possible, during, or after, every rainfall event or snowmelt event which produces runoff from the construction site, the OSPC shall inspect for the runoff of visibly discolored stormwater from the construction site. If there is runoff of visibly discolored water from the construction site, the OSPC shall as soon as practicable inspect and maintain BMPs for compliance with the approved EPSC plan. For purposes of this permit, "construction site" shall mean the land or water area where any facility or activity is physically located or conducted, including adjacent land used in connection with the facility or activity or the area of earth disturbance directly associated with the permitted construction activity.
2. If after inspecting and maintaining existing BMPs in accordance with Part III.B.1, the runoff of visibly discolored stormwater continues, the OSPC shall sample the runoff as follows:
 - a. A turbidity sample shall be taken at each point where visibly discolored stormwater runs off the construction site. Samples shall be representative of the flow and characteristics of the runoff.
 - b. If due to unexpected circumstances an OSPC is unable to sample during periods of runoff, the monitoring report shall include a brief explanation of such circumstances.
 - c. Sampling is required at all points where visibly discolored stormwater runoff from disturbed areas that have not been finally stabilized leaves the construction site.
 - d. All sampling points shall be identified on the EPSC Plan site map and be clearly marked in the field with a flag, tape, stake, or other visible marker.
 - e. After approval by the Secretary, sampling may be discontinued at those points of stormwater runoff that are deemed to pose no risk of discharge to waters of the state.
3. If the turbidity sample taken is 25 NTU or lower, no further sampling or action is required during this particular event.
4. If the turbidity sample taken is greater than 25 NTU:
 - a. The OSPC shall as soon as practicable evaluate the need for supplemental BMPs and install such BMPs as necessary to correct the runoff.
 - b. The OSPC shall, within 72 hours of first discovering the runoff, submit a written report about the runoff and resulting corrective action to the Secretary. The report shall:
 - i. Be on a form provided by the Secretary
 - ii. Describe the cause, time and date, and location of the runoff;
 - iii. Describe the status of construction and conformance with the EPSC Plan at the time of the runoff;
 - iv. Detail the corrective action taken to stop the runoff, including a description of the actions taken, their location, and the time and date of the corrective action; and
 - v. Be copied and a copy retained on-site with the EPSC Plan.
 - c. The EPSC Plan shall be updated within 72 hours to reflect the actions taken.
5. After taking the actions required in Part III.B.4.a above, and if the runoff of visibly discolored stormwater continues, the OSPC shall again follow the inspection and sampling requirements in Part III.B.2 above. If the turbidity sample is less than 25 NTU then no further action is needed. If the turbidity sample is greater than 25 NTU, the OSPC shall immediately notify DEC's Stormwater Program. The Secretary may require the OSPC to reevaluate existing BMPs and install supplemental BMPs as necessary to correct the runoff. At the Secretary's discretion, the OSPC may also be required to continue sampling runoff daily when runoff is occurring until:
 - a. Turbidity is 25 NTU or lower; or

- b. The runoff stops or is eliminated.

C. Recordkeeping

1. The following records shall be maintained on-site with the EPSC Plan:
 - a. Inspection reports prepared pursuant to Part III.A of this permit;
 - b. Discharge Reports, Corrective Action reports and Summaries of Releases prepared pursuant to Parts III.B and VIII.C of this permit;
 - c. Notices of Addition or Termination of Co-Permittees submitted to the Secretary in accordance with Part V of this permit;
 - d. Any Notices of Termination for Portions of the On-going Construction Site in accordance with Part V of this permit; and
 - e. Any project changes or amendments to the EPSC Plan required by this permit, including the initials of the person or persons that revised the plans with dates of revision.
2. A copy of the authorized EPSC Plan shall be on-site during normal working hours from the date of commencement of construction activities to the date of final stabilization. EPSC Plans shall be made available upon request by the Secretary's representatives. The EPSC Plan maintained on site may be available in paper format or in electronic format via a computer maintained on the project site.
3. The OSPC shall have a copy of the EPSC Plan and all amendments available at a central location on-site for the use of all those identified as having responsibilities under the EPSC Plan whenever they are on the construction site.
4. The permittee shall post a Notice of Authorization, provided by the Secretary, demonstrating authorization under this permit. The notice shall be placed near the construction entrance at a location visible to the public. If displaying near the main entrance is infeasible, the notice shall be posted in a local public building such as the municipal office or public library. For linear projects, the notice shall be posted at a publicly accessible location near the active part of the construction project (e.g., where a utility project crosses a public road) or, in the event posting in a publicly accessible location near the active part of the project is infeasible, the permittee shall post in a local public building such as the municipal office or public library.

Part IV. EPSC Specialist Oversight

A. EPSC Specialist

1. In addition to the regular inspections required under Part III.A., the permittee shall designate an EPSC Specialist who will be responsible for performing environmental inspections during the project; confirming water resources protection throughout the project, assisting the permittee(s) with EPSC Plan implementation, and for related record keeping and reporting to the Secretary per the schedule established in this permit. The name, address, telephone number, email address, and basic qualifications of the person shall be provided to the Secretary for approval before the commencement of construction. This person shall not be the OSPC.
2. The EPSC Specialist shall determine, confirm, and report whether the EPSC Plan is being implemented and that appropriate revisions or updates are being made to the EPSC Plan when the EPSC Plan proves inadequate. In addition, the EPSC Specialist shall, in conjunction with the OSPC bear the responsibility of reviewing the site to ensure compliance with the approved EPSC Plan and to direct corrective action in accordance with Part III.B of this permit.
3. The EPSC Specialist shall notify the permittee(s) and operator(s) when changes in practice are necessary to comply with the EPSC Plan and the terms and conditions of this permit. The EPSC Specialist shall be responsible for inspections, photo documentation, and record keeping and shall, biweekly during earth disturbance activities and monthly during no earth disturbance activities, file by email to DEC Stormwater Program district staff, a report outlining:
 - a. Construction status;
 - b. Dates of inspection(s)
 - c. EPSC practices installed and removed since last report;

- d. New measures undertaken subsequent to the prior report;
 - e. Erosion problems encountered and how and when resolved;
 - f. Discussion and summary of OSPC inspection reporting as described within Part III.B.1;
 - g. Status of the project in terms of consistency with the planned construction sequence;
 - h. Description, including location and total area (acres), of disturbed land at the time of the inspection;
 - i. Description of areas temporarily or permanently stabilized since the last inspection record;
 - j. Changes in the EPSC Plan that are required (including submission for authorization from the Secretary, when necessary);
 - k. When dewatering is underway, discussion and photographs of measures being utilized for treatment, and turbidity monitoring results in conformance with Part III.H of this permit;
 - l. Photographs of areas stabilized since the prior report;
 - m. Photographs of all disturbed areas;
 - n. Photographs of receiving water(s) at turbidity monitoring location(s); and
 - o. All turbidity monitoring results collected since prior report in accordance with Subpart III.B of this permit.
4. Prior to commencement of construction or construction-related activities, the EPSC Specialist shall present to the Secretary for approval the proposed reporting format. Construction may not commence prior to the Secretary's written approval of the reporting format and schedule for report submittal. Bi-weekly reports shall be submitted by the Wednesday, or as soon as responsibly possible, following the end of the bi-weekly period. The Department may approve an alternative reporting deadline to the permittee in writing. EPSC Specialist reports shall be filed via email with DEC Stormwater Program district staff. Submittal of reports by mail to the mailing address below will not be accepted without prior approval:
- Department of Environmental Conservation
Watershed Management Division
Stormwater Management Program
One National Life Drive, Davis 3
Montpelier, VT 05620-3522
5. Each inspection report shall be prepared in consultation with the OSPC, shall include a review of the OSPC's inspection reports since the last inspection period, and shall be signed by the EPSC Specialist.

Part V. Transfers of Permit, Co-Permittees, and Termination

A. Transfer of Permit Coverage

1. A transfer of this permit may occur only in connection with the transfer of the entire construction site to a new owner.
2. A Notice of Transfer must be submitted to the Secretary not later than thirty (30) days prior to the transfer and shall include the following:
 - a. The name and address of the present permittee;
 - b. The name and address of the prospective permittee;
 - c. The proposed date of transfer; and
 - d. A statement signed by the prospective permittee, stating that:
 - i. The conditions of the facility operation that contribute to, or affect, any discharge will not be materially different under the new ownership;
 - ii. The prospective permittee has read and is familiar with the terms of the permit and agrees to comply with all the terms and conditions of the permit; and
 - iii. The prospective permittee has adequate funding or other means to affect compliance with all the terms of the permit.

B. Adding or Terminating Co-Permittees

1. An owner or principal operator may be added as a co-permittee by filing a Notice of Addition of Co-Permittee form with the Secretary. The Co-Permittee shall be subject to all the terms and conditions of this permit and the EPSC Plan.
2. If the owner of the construction site obtains coverage under this permit and the owner is not the principal operator or the sole principal operator, then all principal operators shall obtain coverage as co-permittees in accordance with this Subpart prior to the commencement of construction activities.
3. A co-permittee may be terminated as a Co-Permittee by filing a Notice of Termination of Co-Permittee form on a form provided by the Secretary. The Co-Permittee shall only be terminated from the permit upon approval by the Secretary.

C. Notice of Termination for Portions of an On-going Construction Site

1. A permittee may submit a Notice of Termination (NOT) for a portion of the on-going construction project in the following instances:
 - a. When final stabilization has been achieved on the portion of the site for which termination is sought;
 - b. When title to a portion of the construction site has been transferred to a new owner and the new owner has obtained separate coverage under an individual construction permit or DEC's General Permit 3-9020 for Stormwater Runoff from Construction Sites (February 2020) or its replacement;
 - c. When another operator has assumed control over the portion of the site for which termination is sought and the new operator has obtained coverage under an individual construction permit or DEC's General Permit 3-9020 for Stormwater Runoff from Construction Sites (February 2020) or its replacement;
 - d. For residential construction only, temporary stabilization has been completed and the residence has been transferred to the homeowner.
2. To obtain a notice of termination for a portion of an on-going construction site, the permittee shall follow the requirements of Part V.E of this permit.

D. Notice of Termination for the Entire Construction Site

1. The permittee may submit a NOT for the entire construction site in the following instances:
 - a. Final stabilization has been achieved on the entire construction site for which the permittee is responsible;
 - b. Another operator has assumed control over all areas of the site that have not been finally stabilized and has obtained permit coverage; or
 - c. Coverage under an individual or DEC's General Permit 3-9020 for Stormwater Runoff from Construction Sites (February 2020) or its replacement has been obtained.
2. To obtain a notice of termination for the entire construction site, the permittee shall follow the requirements of Part V.E of this permit.

E. Submitting a Notice of Termination

1. A permittee shall submit a complete and accurate NOT, on a form provided by the Secretary.
2. A NOT shall include, at a minimum, the following information:
 - a. The permit number for which termination is sought;
 - b. The basis for submission of the NOT;
 - c. The owner's and operator's name, address and telephone number;
 - d. The name of the project and address (or a description of location if no street address is available) of the construction site for which the notification is submitted;
 - e. A certification statement, signed and dated by the OSPC and by an authorized representative as defined in the signature requirements in Part VIII.I, and the name and title of that authorized representative; and

- f. If the NOT is for only a portion of an ongoing construction project, a description of the portion of the site to which the NOT will apply and a plan showing the boundaries of this portion.

Part VI. Violation of Permit Requirements; Enforcement

- A. The permittee shall comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of 10 V.S.A. Chapter 47 and the federal Clean Water Act and is grounds for an enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

Part VII. Appeals

- A. Renewable Energy Projects – Right to Appeal to Public Utility Commission

Any appeal of this decision must be filed with the clerk of the Vermont Public Utility Commission pursuant to 10 V.S.A. §8506 within 30 days of the date of this decision. The appellant must file with the Clerk an original and six copies of its appeal. The appellant shall provide notice of the filing of an appeal in accordance with 10 V.S.A. §8504(c)(2) and shall also serve a copy of the Notice of Appeal on the Vermont Department of Public Service. For information, see the Rules and General orders of the Public Utility Commission available online at www.puc.vermont.gov. The address for the Public Utility Commission is 112 State Street Montpelier, Vermont 05620-2701 (Tel. #802-828-2358).

- B. All Other Projects – Right to Appeal to Environmental Court

Pursuant to 10 V.S.A. Chapter 220, if this decision relates to all other projects, 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 \$250.00 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 additional information, see the Vermont Rules for Environmental Court Proceedings, available online at www.vermontjudiciary.org or call (802) 951-1740. The address for the Environmental Court is 32 Cherry Street, 2nd Floor Suite 303, Burlington, Vermont 05401.

Part VIII. Standard Permit Conditions

- A. Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause as set forth in Stormwater Permitting Rule § 22-310 (Environmental Protection Rules, Ch. 22). The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

- B. Limitations

1. This permit conveys no vested rights or exclusive privileges. The permit conveys no title to land nor authorizes any injury to public or private property. The permit does not authorize infringement of any applicable federal, state or local laws or regulations nor obviate the necessity of obtaining such additional permits as may be required.
2. Nothing in this permit shall be construed as having relieved, modified, or in any manner affected the permittee's ongoing obligation to comply with all other federal, state or local statutes, regulations or directives applicable to the permittee in the operation of its business, nor does it relieve the permittee of the obligation to obtain all necessary federal, state and local permits.

- C. Prohibitions

1. This permit does not relieve any person of the federal reporting requirements of 40 Part 110, 40 Part 117 and 40 Part 302 relating to spills or other releases of oils or hazardous substances. Nothing in this 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 under 10 V.S.A. § 1281. This permit does not authorize the discharge of hazardous substances or oil resulting from an on-site spill.
2. If a release of oil or hazardous substances in excess of reportable quantities occurs, the permittee must modify the EPSC Plan required under Part III within 7 calendar days of knowledge of the release to: provide a description of the release, the circumstances leading to the release, and the date of the release. The EPSC Plan must identify measures to prevent the reoccurrence of such releases and to respond to such releases.
3. Discharges of any material other than stormwater, such as vehicle and equipment maintenance spills, fuels, wash water, construction debris, oil, wet concrete (including washout water from concrete batch trucks or equipment used to mix concrete), and other substances are prohibited.
4. Sediments and other pollutants collected and removed in the course of treatment of stormwater runoff shall be disposed in a manner that will not result in the sediments and pollutants entering waters of the State.

D. Right of Entry

The permittee shall allow the Secretary and their authorized representatives, at reasonable times, and upon presentation of credentials, to:

1. Enter upon and inspect the property on which the construction activities are occurring or the premises where records must be kept under the conditions of this permit;
2. Have access to and copy, at reasonable times, any records required to be kept pursuant to the permit;
3. Inspect at reasonable times any facilities, equipment – including monitoring and control equipment – practices, or operations regulated or required under this permit; and;
4. Sample or monitor at reasonable times any construction-related discharges.

E. Historic Properties

Each permittee must comply with any applicable state and local laws concerning the protection of historic properties and places.

F. Retention of Records

The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit for a period of at least five years from the date of the sample, measurement, report, or application, in accordance with Stormwater Permitting Rule § 1201(c) (Environmental Protection Rules, Ch. 22). This period may be extended by request of the Secretary at any time.

G. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense 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 permit.

H. Duty to Mitigate

A permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

I. Signatory Requirements

1. All applications must be signed as follows:
 - a. For a corporation: by a responsible corporate officer. For the purposes of this section, a responsible corporate officer means:

- i. A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation;
 - ii. The manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 - b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
 - c. For a municipality, State, Federal or other public agency: by either a principal executive officer or a ranking elected official. For purposes of this section, a principal executive officer of a Federal Agency includes: the chief executive officer of the agency or a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.
2. All reports required by this permit, including but not limited to EPSC Plans, must be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
- a. The authorization is made in writing by a person described above;
 - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. A duly authorized representative may thus be either a named individual or any individual occupying a named position.
 - c. The signed and dated written authorization is included in the EPSC Plan. A copy must be submitted to the Secretary, if requested.
3. Any person signing documents required under the terms of this permit must include the following certification:
- “I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

J. Duty to Reapply

If a discharge from the construction site is anticipated to continue after the expiration date of this permit, the permittee must reapply for coverage under a new permit sixty (60) days prior to the expiration date of this permit.

K. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control which are installed or used by the permittee to achieve compliance with the conditions of this permit.

L. Notice of Planned Changes

The permittee shall give notice to the Secretary as soon as possible of any planned physical alterations to the permitted facility.

M. Notice of Anticipated Noncompliance

The permittee shall give advance notice to the Secretary of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

N. Duty to Provide Information

The permittee shall furnish to the Secretary, within a reasonable time, any information which the Secretary may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine noncompliance with this permit. The permittee shall also furnish to the Secretary upon request, copies of records to be kept pursuant to this permit. Where the permittee becomes aware that it failed to submit any relevant facts in a permit application or submitted incorrect information in a permit application or in a report to the Secretary, it shall promptly submit such facts or information.

O. Penalty for Permit Violation

10 V.S.A. Section 1275(a) provides that:

Any person who violations any provision of this subchapter or who fails, neglects, or refuses to obey or comply with any order or the terms of any permit issued in accordance with this subchapter, shall be fined not more than \$25,000.00 or imprisoned not more than six months, or both. Each violation may be a separate offense, and, in the case of a continuing violation, each day's continuance may be deemed a separate offense.

10 V.S.A. Section 8010(c) provides that:

A penalty of not more than \$42,500 may be assessed for each determination of a separate violation. In addition, if the secretary determines that a violation is continuing the secretary may assess a penalty of not more than \$17,000.00 for each day the violation continues. The maximum amount of penalty assessed under this subsection shall not exceed \$170,000.00.

P. Penalty for False Statement

10 V.S.A. Section 1275(b) provides that:

Any person who knowingly makes any false statement, representation or certification in any application, record, report, plan, or other document filed or required to be maintained under this subchapter, or by any permit, rule, regulation or order issued under this subchapter, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this subchapter or by any permit, rule, regulation, or order issued under this subchapter, shall upon conviction, be punished by a fine of not more than \$10,000.00 or by imprisonment for not more than six months, or by both.

Q. Severability

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

R. Monitoring

Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

S. Twenty-four-hour Reporting

Unless provided otherwise by this permit, the permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

Part IX. Effective Date of Permit and Permit Term

This permit shall become effective on **6/13/2025** and shall expire on **6/12/2030**. The permittee shall reapply for coverage at least sixty (60) days prior to the expiration if the project has not achieved final stabilization or if the construction activities are expected after the date of expiration.

Dated June 13, 2025

Julia S. Moore, Secretary
Agency of Natural Resources

By:



Kevin Burke, Program Manager
Stormwater Management Program

Notice of Authorization Individual Discharge Permit for Stormwater Runoff from Construction Activities	
Project Name: Trout Brook Reservoir Dam Removal Permittee Name(s): Village of Enosburg Falls	Permit Number: 9892-INDC Date of Issuance: 06/13/2025 Date of Expiration: 6/12/2030
<i>The above project has been issued an Individual Permit to discharge stormwater for the construction of the Trout Brook Reservoir Dam Removal project. This project involves Removal of Trout Brook Reservoir Dam and upstream accumulated sediment. The project work includes construction of site access and staging, implementation of flow bypass and erosion control measures, removal of approximately 288 CY of concrete dam and 370 CY of riprap dam face and 15,700 CY of impounded sediment, construction of bed, and habitat features (wood additions) throughout approximately 2,100 linear ft of stream channel, and over 5.9 acres of floodplain. Following restoration work within the floodplains, application of seed and re-vegetation for erosion control and stability of soils over the long term is planned, as well as planting of over 4,000 trees, shrubs, and live stakes. Design plans include onsite disposal of fill in upland on the same parcel.</i>	
This permit includes the following requirements: 1. Implementation of the authorized site-specific Erosion Prevention and Sediment Control Plan. 2. All areas of disturbance must have temporary or final stabilization within 14 days of the initial disturbance. After this time, any disturbance in the area must be stabilized in advance of any runoff producing event. The following exceptions apply: a. Stabilization is not required if work is occurring in a self-contained excavation (i.e. no outlet for stormwater) with a depth of 2 feet or greater. b. During Winter Construction areas of disturbed soil must be stabilized prior to any runoff producing event, in accordance with the previous exception. 3. The total earth disturbance associated with construction of this project is approximately 9.43 acres. The maximum area of earth disturbance at any one time allowed under this permit is 6.70 acres. 4. With certain exceptions described in Part III A. of the permit, Inspections shall be conducted at least once every seven (7) calendar days and as soon as reasonably possible, during, or after, every rainfall event which produces runoff from the construction site. 5. If there is a discharge of visibly discolored stormwater from the construction site or from the construction site to waters of the State, the permittee shall inspect and maintain Best Management Practices as soon as practicable and take corrective action in accordance with Part III. B. of this permit. 6. The On-site Plan Coordinator shall have a copy of the EPSC Plan and all amendments available at a central location on-site for the use of all those identified as having responsibilities under the EPSC Plan whenever they are on the construction site. If an on-site location is unavailable to store the EPSC Plan when no personnel are present, notice of the plan's location shall be posted near the main entrance at the construction site.	
To request information on this authorization or to report compliance concerns please contact: Vermont DEC, Watershed Management Division Davis Building, Third Floor One National Life Drive Montpelier, VT 05620-3222 (802) 828-1115 [See next page for posting requirements]	

Permittee Directions for Posting:

This notice shall be placed near the construction entrance at a location visible to the public. If displaying near the main entrance is infeasible, the notice shall be posted in a local public building such as the town hall or public library. For linear projects, the notice shall be posted at a publicly accessible location near the active part of the construction project (e.g. where a pipeline project crosses a public road or at a project staging area).