



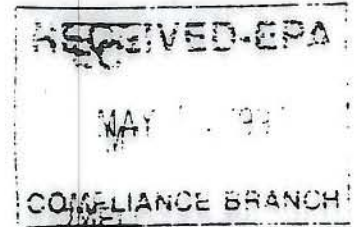
State of Vermont

VT
6/27/92

AGENCY OF NATURAL RESOURCES
Department of Environmental Conservation

Permits, Compliance and Protection
The Annex, 103 South Main Street
Waterbury, Vermont 05671-0405
Telephone: (802) 244-5674

May 7, 1992



Mr. Larry Brill, Chief Water Compliance Branch
US Environmental Protection Agency, Region 1
J.F. Kennedy Federal Building
Boston, Massachusetts 02203-2211

Dear Larry:

Enclosed is the FY 92 MOU which has been signed by Bill Brierley. The MOU reflects the language changes agreed to by Skip Hull and Brian Kooiker.

Please send us a copy of the MOU once you have signed it.

Sincerely,

Gary Schultz, Director
Permits, Compliance and Protection

mmw

Enclosure

State of Vermont
and
Environmental Protection Agency

Memorandum of Understanding
for
NPDES Permit Issuance and Compliance
1992

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COMPLIANCE BRANCH

STATE OF VERMONT AND ENVIRONMENTAL PROTECTION AGENCY
MEMORANDUM OF UNDERSTANDING FOR NPDES PERMIT ISSUANCE AND COMPLIANCE

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- Attachment 1 FY'92 Permit Issuance
- Attachment 2 FY'92 Inspection List of all NPDES major and targeted minor permittees.
- Attachment 3 Semi-annual Pretreatment Report Format
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- Table II Vermont's Significant Industrial Users (EPA Responsible for Inspecting and Sampling)
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VERMONT AGENCY OF NATURAL RESOURCES AND
ENVIRONMENTAL PROTECTION AGENCY MEMORANDUM OF UNDERSTANDING FOR
NPDES PERMIT ISSUANCE AND COMPLIANCE

A. Purpose

Pursuant to 40 CFR Part 123 this Memorandum of Understanding ("MOU") provides a procedure for EPA Region I's ("EPA") evaluation and oversight of Vermont activities relative to National Pollutant Discharge Elimination System ("NPDES") (and pretreatment) permit issuance and compliance. The agreement covers three major operational aspects of the NPDES program: permitting, compliance monitoring and enforcement response. It defines the roles and responsibilities of the State and EPA in ensuring that all NPDES permits are properly issued and that all instances of Significant Noncompliance ("SNC") for all major permittees are responded to in a timely and appropriate manner with the objective being continued long term compliance. The granting of Federal Water program grants to the Vermont Agency of Natural Resources ("ANR") is contingent upon fulfillment of the level of effort indicated in this MOU.

EPA acknowledges that its role is not simply that of an overseer of Vermont's program and that it has a responsibility to provide technical assistance, recommendations, laboratory resources, and information wherever possible and appropriate. Specific output commitments are included as Attachment Nos. 1 through 4 and Tables Nos. 1 through 3 to this MOU.

B. Permits

1. Permit Issuance

Annually, the State agrees to develop a priority list of permits proposed to be issued and a quarterly schedule for such issuance. The list of permit to be issued during FY'92 is provided in Attachment No. 1. EPA and the ANR agree that the list and schedule may be modified during the year by mutual agreement. EPA agrees to provide technical assistance in the development of the permits upon request.

EPA and the ANR agree that it is the ANR's responsibility to ensure that permits are consistent with regulatory requirements and that it is EPA's responsibility to overview permit issuance through reviews and audits. Thus, it is agreed that the permits, as noted on Attachment No. 1, shall be reviewed by EPA prior to issuance. If EPA objects to any permit or terms of a permit prepared by the ANR, EPA shall notify the ANR in writing within 30 days of receipt of the draft permit. EPA shall notify the ANR by telephone within two weeks after its receipt of the draft permit to facilitate termination of the issuance process. EPA shall, within 45 days of its written objection to any permit, provide the ANR with a written explanation of its objections.

2. Permit Records

The ANR agrees to continue to maintain a complete, accurate, and current system that identifies all sources that have applied for, or have been issued, NPDES permits. The ANR also agrees to send EPA copies of all Major NPDES permits, all permit modifications for Major NPDES permits, and public notices for all NPDES Permits. Upon request, the ANR also agrees to send EPA copies of any NPDES permit and related application packages. EPA shall periodically conduct an audit of the data system and file audit.

3. Sludge Requirements

Interim permitting strategies will remain in effect until promulgation of the technical standards required by Section 405 of the Clean Water Act. The State shall notify EPA of its intention of seeking delegation of the sludge management program within 30 days of promulgation of the standards. If the State declines delegation, a sludge permitting program will be developed between the State and EPA.

4. Toxicity Requirements

The ANR agrees to utilize the Vermont Toxic Discharge Control Strategy to identify potential toxic discharges and to develop individual control strategies in those instances where a toxic discharge has been identified.

C. Compliance

1. Compliance Data Entry

The ANR, having developed a computerized tracking system for Discharge Monitoring Reports ("DMR's") agrees to keep current and submit effluent data to EPA via a converter between the ANR's system and EPA's PCS in a manner which is consistent with the ANR-EPA MOU, Information Sharing and Data Quality Agreement.

2. Enforcement Actions

EPA and the ANR will notify each other of all enforcement actions related to the VT-NPDES permits and pretreatment programs. Notification and coordination of enforcement actions will be through EPA's Compliance Section and the ANR's Discharge Permit Section and will generally be

accomplished through the Quarterly Compliance Update meetings discussed in Section E of this MOU. The ANR shall forward to EPA a copy of any final enforcement action (Order, Assurance of Discontinuance or Consent Decree) as an attachment to the QNCR. In addition, upon written request, the ANR agrees to provide EPA with the original DMR's should EPA initiate a formal enforcement action against a permittee, provided the ANR has not already initiated an enforcement action against the permittee.

3. Quarterly Non-Compliance Report ("QNCR")

The EPA will provide the ANR with a PCS-generated QNCR for all major permittees in accordance with Federal Regulations and written policy guidance from EPA Headquarters. The QNCR will be submitted to the ANR for review and comment by February 15, May 15, August 15 and November 15 of the fiscal year. The due dates for submission of the final QNCR's are February 28, May 31, August 31 and November 30 of the fiscal year. As in all other PCS data entries, the ANR will be responsible for quality assuring its data entries, correcting erroneous information and providing all necessary QNCR comments.

4. Response to Congressional and Public Inquiry

It is the ANR's responsibility to maintain complete and accurate information pertaining to the compliance status of all sources subject to the NPDES program as well as, where applicable, indirect dischargers subject to State and Federal pretreatment regulations. Thus the ANR shall be responsible for compiling all information necessary to respond to Congressional or citizen inquires.

D. Timely and Appropriate Enforcement Actions

1. Response to Significant Non-Compliance ("SNC")

All SNC violations must be responded to by either the ANR or EPA. Once a permittee is reported in SNC, the ANR's enforcement response can include, as appropriate, meeting with the permittee, conducting inspections, issuing Notice of Alleged Violation letters, warning letters, providing technical assistance, modifying permits and taking formal enforcement actions (e.g. administrative orders, Assurance of Discontinuance, administrative civil penalties and/or

judicial actions). However, the goal of both agencies is to return all permittees in SNC to compliance within one reporting quarter. If not, and the permittee is subsequently listed on EPA's Exceptions List, a formal enforcement action shall be taken within 60 days of the close of the second consecutive quarter the permittee is in SNC (i.e. a permittee in SNC for the same violation for the January thru March and April thru June reporting periods shall be addressed by August 31).

All responses must be consistent with Federal and State law. The discussion of a permittee's noncompliance between members of EPA and ANR shall not in itself be viewed nor reported as an action to cause compliance. It is understood that EPA may initiate separate enforcement actions, subject to the notification requirements noted in Section D.2. below, if the ANR fails to initiate timely formal enforcement actions.

2. EPA Oversight Responsibilities

The ANR recognizes that EPA has a statutory responsibility to ensure that all instances of noncompliance are addressed. Instances where the ANR does not, or cannot, address the instances of SNC, EPA, as the delegator of the NPDES permitting authority to the ANR, has the responsibility to take appropriate enforcement actions. Normally this action involves the issuance of a Notice of Violation to the permittee in SNC and a copy to the ANR. When this procedure is followed, the ANR shall have a period of 30 days after receipt of EPA written notification by Certified Mail to initiate a formal enforcement action before EPA initiates its own formal enforcement action. In those instances in which EPA feels an administrative penalty should be issued, the ANR shall also have a period of 30 days after receipt of EPA's written notification by Certified Mail to assess an adequate and appropriate penalty. In any case where EPA initiates an enforcement action EPA agrees to provide the ANR with copies of any correspondence to the permittee and a copy of any formal enforcement actions.

There may be other circumstances (including but not limited to cases where the ANR and EPA previously agreed that EPA will take the lead, instances of national significance or instances involving multistate jurisdictional issues) where EPA may not use the Notice of Violation process and immediately initiates a formal enforcement action against a permittee. In any such case, EPA agrees to notify the Commissioner of the Department of Environmental Conservation by telephone prior to the initiation of the action. The intent of EPA Region I is to allow the Vermont ANR primacy in all compliance actions, as long as these are timely, appropriate, and within the terms of the agreement.

3. Assessment of Penalties

EPA and ANR recognize that the assessment of penalties against violating sources is an important deterrent to future violations. Penalties sought by the ANR shall comply with the penalty assessment criteria in the Administrative Environmental Enforcement Action Act (10 V.S.A. §8010). The failure of ANR to seek appropriate penalties may result in initiation of separate EPA enforcement actions, subject to the notification requirements included in Section D.2. of this MOU. Finally, the ANR agrees to annotate the pending state judicial action summary status required in Section D.4. to include the penalty amounts assessed and collected in all administrative and judicial actions once the action has been settled.

4. State Attorney General Coordination

In conjunction with the final QNCR, the ANR shall submit to EPA a quarterly summary of all State and Civil judicial actions. The summary shall list the name of the permittee referred, the date of the referral, the filing date, the settlement date, the penalties assessed and collected, the nature of the violations, and the program under which the action was taken (i.e. NPDES/pretreatment). A narrative statement further explaining the status of any referral that has not been filed within 90 days of the referral date must be appended to the quarterly summary status report. EPA reserves the right to overfile, subject to the notification requirements contained in Section D.2. of this MOU, if it determines that any referral is not being diligently prosecuted. The judicial action summary status does not apply to pending criminal judicial actions.

E. Quarterly Compliance Update Meeting

It is the goal of EPA and ANR to hold quarterly meetings to review NPDES compliance and determine appropriate enforcement responses to address specific cases of noncompliance. Prior to each quarterly meeting, the ANR agrees to review all instances of SNC for all major permittees (and significant industrial users) for the previous quarter. The ANR shall develop clear and concise strategies to address those instances of SNC revealed in this review. At the meeting, permittee noncompliance along with pending and proposed enforcement actions will be reviewed and initial decisions will be made concerning which agency should take the lead on specific cases or followup activities. Following the meeting, EPA shall send to the ANR a letter signed by the Compliance Branch Chief of EPA outlining the actions that the ANR and EPA plan to take as a result of that meeting.

The lead participants shall be staff personnel from the appropriate branches in the EPA and State offices capable of making policy decisions. Other participants may be called upon to attend as determined by the State and EPA lead individuals, based upon needs specific to the meeting (legal and technical expertise, construction grants, etc.).

When significant difference of opinion is apparent, opposing viewpoints should be made available to the State and EPA Water Division Directors immediately following the meeting. Each Director has the authority to make an independent decision on behalf of his/her respective agency.

F. Compliance Inspections

The ANR agrees to annually inspect all majors and targeted NPDES minors and all significant industrial users (SIU's) under the State's pretreatment program, once between 7/1/91 and 6/30/92. A listing of all NPDES major and targeted NPDES minor permittees that EPA and the ANR agree are to be inspected for the next fiscal year can be found in Attachment No. 2. In addition, EPA will conduct joint inspections with the ANR and may conduct independent inspections as the need arises. EPA shall notify the ANR prior to conducting any independent inspection.

The ANR agrees to notify EPA in writing of the inspections actually conducted each month by the 20th of each following month. These reports shall include the name of the facility, the type of inspection conducted, and the date the inspection was conducted. These reports should also include the number of compliance sampling inspections using biomonitoring screening for toxic substances (metals, priority pollutants) and/or sampling for toxic substances.

G. Pretreatment

The ANR agrees to notify EPA of any changes to the ANR significant industrial user list (SIU), agreed to by EPA and ANR outlined in Tables 1 and 2. The notification shall contain an explanation for the change and identify the facility flow and nature of operation.

EPA agrees to inspect and sample all SIU's listed on Table 2 during FY '92, and to evaluate whether each of the SIU's inspected needs a plan to control slug discharges. Prior to inspection and sampling of the SIU's listed in Table 2, EPA agrees to notify the ANR of the scheduled sampling/inspection dates for those facilities. EPA also agrees to provide the ANR with copies of the sampling results and inspection reports within 90 days of the sampling/inspection date.

The ANR agrees to inspect and sample all SIU's listed on Table 2 during FY '92, and to evaluate, at least once every two years, whether each such SIU needs a plan to control slug discharges.

The ANR agrees to provide EPA with semiannual state pretreatment reports by February 15, and August 15 of 1992 in the format specified in Attachment No. 3.

H. Reporting Formats


Attachment No. 4 includes reporting formats for the information that must be submitted to EPA to satisfy the requirements of this MOU. These formats have been provided for the convenience of the ANR and their use is optional.

I. Disclaimer

Nothing in this document shall be deemed to alter, amend, or affect in any way the statutory authorities of the EPA or the State. EPA and the ANR reserve the right to act at variance with these procedures, in whole or part, at any time they deem necessary. The procedures herein or failure to conform to such procedures shall in no event be used by a discharger as a defense in an enforcement action or as justification for failure to achieve or maintain continuous compliance.

J. Effective Date

This Memorandum of Understanding is effective upon the signature of the Water Management Division, Compliance Branch Chief and the E.C. OPNS Director of the Department of Environmental Conservation and supersedes any prior memoranda or addenda thereto. The MOU may be amended by written agreement of both agencies.



Larry Brill
Chief Compliance Branch, Water Management Division
U.S. Environmental Protection Agency
Region I

5/18/92

Date

William Brierley
E.C. OPNS Director
Department of Environmental Conservation
Vermont Agency of Natural Resources

Date

Attachment 1

NPDES Permit Issuance

NPDES permits slated for reissuance in FY'92:

Lyndon
St. Albans
Middlebury
Montpelier
VT Whey Auth/Express Foods

Attachment 2

Inspections

The VT ANR shall inspect all major sources, targeted minors and significant industrial users under its pretreatment program at least once between July 1, 1991 and June 30, 1992. The VT ANR will report in writing to EPA by the 20th of each month the inspections actually conducted during the previous month. In order that inspections can be properly coded into PCS the report shall contain the following information.

1. NPDES Permit Number
2. Name of Permittee
3. Inspection date
4. Type of Inspection
 - A - Performance Audit
 - B - Biomonitoring
 - C - Compliance Evaluation
 - D - Diagnostic
 - L - Enforcement
 - P - Pretreatment
(for industrial user inspections
list name of municipality and
permit number)
 - R - Reconnaissance Inspection
 - Q - Quality Assurance
 - S - Compliance Sampling
 - X - Toxic Sampling

MAJORS

Barre City STP	VT0100889
Bellows Falls STP	VT0100013
Bennington STP	VT0100021
Brattleboro WPCP	VT0100064
Burlington Main STP	VT0100153
Burlington Riverside MTP	VT0100307
Burlington-North End STP	VT0100226
Castleton MTP	VT0100897
Essex Junction MTP	VT0100111
Fairhaven MTP	VT0100129
Hartford-White River Junction	VT0101010
Hinesburg WTF	VT0101028
Ludlow WTP	VT0100145
Middlebury MTP	VT0100188
Montpelier MTP	VT0100196
Newport MTP	VT0100200
Northfield MTP	VT0100242
Poultney MTP	VT0100269
Rutland WPCP (main plant)	VT0100871

South Burlington Airport Pkwy
Springfield GVS
St. Albans STP
St. Johnsbury
Swanton Village MTP
West Rutland
Windsor MTP
Winooski WPCF

VT0100366
VT0100374
VT0100323
VT0100579
VT0100501
VT0100714
VT0100919
VT0100510

Simpson Paper
IBM-Components Division
Rock-Tenn Corp.
Specialty Paper Board (Brattleboro)
Vermont Whey/Express Foods PAF
Vermont Yankee Nuclear Power
CPM

VT0000116
VT0000400
VT0000469
VT0000248
VT0020702
VT0000264
VT0000167

TARGETED MINORS

To be determined by the VT ANR

PRETREATMENT PERMITS
SIGNIFICANT INDUSTRIAL USERS

See attached tables 1, 2, & 3

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CONFIDENTIAL - SECURITY INFORMATION

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CONFIDENTIAL - SECURITY INFORMATION

CONFIDENTIAL - SECURITY INFORMATION

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Attachment 3

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PRETREATMENT SUMMARY REPORT FOR STATE-RUN PROGRAMS

PCS

General Information

Control Authority Name: <u>State of Vermont, Agency of Natural Resources</u>	<u>ACRONYM</u>	<u>SCREEN</u>
Address: <u>Department of Environmental Conservation 103 South Main Street, The ANNEX Waterbury, Vermont 05676</u>		
Coordinator Name: <u>Brian D. Kooiker, Chief of Permits</u> Phone: <u>(802) 224-5674</u>	COOR	PAU1
NPDES Permit Number: <u>VTC 0000001</u>	NPID	
Reporting Period - Start Date: _____ Reporting Period - End Date: _____	PSSD PSED/DTIA	PPS1 PPS1/PAU
Total Number of SIU's: _____	SIUS	PAU1
Total Number of CIU's: _____	CIUS	PAU1

SIGNIFICANT INDUSTRIAL USER COMPLIANCE STATUS (PRESENT STATUS)

Number of CIU's Submitting BMR's/# Required: ____/____		
Number of CIU's Submitting 90-Day Compliance Reports/# Required: ____/____		
Number of CIU's Submitting Monthly Reports/# Required: ____/____		
Number of SIU's in Significant Noncompliance with Pretreatment Compliance Schedules/# Required to Meet Schedules: ____/____	SSNC/COMP	PPS1/PPS
Number of SIU's in SNC with Self-Monitoring Requirements: ____/____	MSNC	PAU1
Number of SIU's in Significant Noncompliance with either Effluent Violations or Reporting Violations/Total SIU's: ____/____	PSNC	PAU1
Number of CIU's in Significant Noncompliance with either Effluent Violations or Reporting Violations/Total CIU's: ____/____	CISN	PPS1

COMPLIANCE MONITORING PROGRAM (LAST 12 MONTHS):

Number of SIU's w/o permits or with expired permits: _____	NOCM	PAU1
Number of SIU's not inspected at least once in the last 12 mo./# Required: ____/____		
Number of SIU's sampled by STATE at least once in the past 12 mo./# Required: ____/____		
Number of SIU's not inspected and not sampled at least once in the past 12 mo.: ____/____	NOIN	PAU1
Number of SIU's in SNC with Self Monitoring and not Inspected or Sampled in the past 12 mo.: _____	SNIN	PAU1

ENFORCEMENT ACTIONS (LAST 6 MONTHS)

Number of Notices of Violations Issued to SIU's: _____	VINO	PPS1
Number of Administrative Orders Issued to SIU's: _____	ADOR	PPS1
Number of Assurances of Discontinuances (AOD's) were Issued to SIU's: _____		
Combined Total of Administrative Orders and Notices of Violations Issued: _____	FENF	PPS1
Civil Suits Filed Against SIU's: _____	CIVL	PPS1
Criminal Suits Filed Against SIU's: _____	CRIM	PPS1
Combined Total of Civil Suits and Criminal Suits: _____	JUDI	PPS1
Number of SIU's published in the Newspaper as Significant Violators: _____	SVPU	PPS1
Number of SIU's from which penalties were collected: _____	IUPN	PPS1
Total Amount of Penalties Collected (Total dollars): _____	PAMT	PPS1
Number of SIU's Subject to Any Enforcement Action: _____	NENF	PPS1

(Attach list of SIU's (Categorical and Non-categorical))

JUDICIAL ACTION REPORT
(Time Period)

- 1) All administrative orders issued: ____
(List here facility name, type, issuance date, final document type)
- 2) All administrative orders closed out: ____
(List here facility name, type, closure date, final document type)
- 3) All NPDES violations referred to the Attorney General: ____
(List here facility name referred and date referred)
- 4) All cases filed by the Attorney General w/in 90 days of referral: ____
(List facility name and date filed)
- 5) All cases settled by the Attorney General: ____
(List facility name and date settled)
- 6) Follow-up status of compliance with formal enforcement actions:
FINES COLLECTED: \$ _____
(List facility name, type, date paid, and amount paid)
ORDERS APPEALED: ____
(List facility name, type and date appeal began)
CONSENTS NEGOTIATED AFTER APPEALS: ____
(List facility name and date of negotiation)

VERMONT'S SIGNIFICANT INDUSTRIAL USERS
(Vermont Responsible for Inspecting and Sampling)

TABLE 1

Facility Name	Facility Flow (GPD)	Nature of Operation	Facility Class		POTW Name	POTW NPDES #	POTW Flow (MGD)
			VT	EPA			
Edlund Co.	4,000	MF	0	SIU-C	Burlington Mane	VT0100153	4.00
Eveready Battery	600	MF	SIU	SIU-C	St. Albans	VT0100323	4.00
Fairbanks Scales	9,000	MF	0	SIU-C	St. Johnsbury	VT0100579	1.90
GE Ind.	20,000	MF	0	SIU-C	Burlington Mane	VT0100153	4.00
GE Lakeside	60,000	MF	SIU	SIU-C	Burlington Mane	VT0100153	4.00
Kraft	200,000 P	Dairy	SIU	SIU	Middlebury	VT0100188	2.20
Lucille Farms	100,000 P	Dairy	SIU	SIU	Swanton	VT0100501	0.90
Shelburne, Ind.	1,100	MF	0	SIU-C	Shelburne FD#2	VT0100820	0.45
Simmonds Prec.	125,000	MF	0	SIU-C	Vergennes	VT0100404	0.66
VT American (N.E. Tool)	12,000 *P	MF	0	SIU-C	Lyndonville	VT0100595	0.75
VT Circuits	9,000	MF	0	SIU-C	Brattleboro	VT0100064	3.00
VT Flex. Tub.	4,100	MF	SIU	SIU-C	Lyndonville	VT0100595	0.75
VT Plating, Inc. (Deermount Corp.)	600	EP	0	SIU-C	Rutland City	VT0100871	6.60
VT Tap & Die	240	MF	0	SIU-C	Lyndonville	VT0100595	0.75

MF = Metal Finisher
 EP = Electroplating
 SIU = Significant Industrial User - Noncategorical
 SIU-C = Significant Industrial User - Categorical

0 = Non-SIU
 P = Permit Flow Limits
 *P = Permit Monthly Average
 /wk = Gallons Per Week

**VERMONT'S SIGNIFICANT INDUSTRIAL USERS
(EPA Responsible for Inspecting and Sampling)**

TABLE 2

Facility Name	Facility Flow (GPD)	Nature of Operation	Facility Class		POTW Name	POTW NPDES #	POTW Flow (MGD)
			VT	EPA			
Eveready Battery	3,500	MF/Battery Mfg.	0	SIU-C	Bennington	VT0100021	5.10
Johnson Cont.	20,000	Battery Mfg	0	SIU-C	Bennington	VT0100021	5.10
GE Columbian	65,000				Rutland City	VT0100871	6.60
GE Windcrest	120,000	MF	SIU	SIU-C	Rutland City	VT0100871	6.60

MF = Metal Finisher
 EP = Electroplating
 SIU = Significant Industrial User - Noncategorical
 SIU-C = Significant Industrial User - Categorical

0 = Non-SIU
 P = Permit Flow Limits
 *P = Permit Monthly Average
 /wk = Gallons Per Week

VERMONT'S NON-SIGNIFICANT INDUSTRIAL USERS

TABLE 3

Facility Name	Facility Flow (GPD)	Nature of Operation	Facility Class		POTW Name	POTW NPDES #	POTW Flow (MGD)
			VT	EPA			
Agri - Mark	8,000	Dairy	0	0	Middlebury	VT0100188	2.20
Agri - Mark	NONE	Dairy		0	Troy		
Ben & Jerry's	8,500	Dairy	SIU	0	Springfield	VT0100374	2.20
Ben & Jerry's	15,000	Dairy	0	0	Waterbury	VT0100463	0.51
Blodgett Co.	NONE	Paint&Curt'n Washwater	0	0	Burlington Mane	VT0100153	4.00
Browning Ferris	NONE	Leachate	0	0	Springfield	VT0100374	2.20
Burlington Lndfl	5,000	Leachate			Burlington N.	VT0100266	2.10
Cameo Crafts	400	Printing	0	0	Milton	VT0100684	0.22
Capital City Pr	2,000	Printing	0	0	Montpelier	VT0100196	3.97
Catamount Brew	1,500	Brewing	0	0	Hartford WRJ	VT0101010	1.20
Fairdale Farms	20,000	Dairy	0	0	Bennington	VT0100021	5.10
Franklin Co. Cheese	21,000	Dairy	SIU	0	Enosburg Falls	VT0100102	0.45
Fulton & Co.	NONE	Silicon rec.			Barre City	VT0100889	3.80
Gr. Mt. Spinnery	600	Wool	0	0	Putney	VT0100277	0.08
Mt. Brewer	1,600 P				Bridgewater	VT0100846	0.04
NH/VT Solid Waste	5,500 wk	leachate			Springfield	VT0100374	2.20
Quesnel, B&L	3,000 P	Meat	0	0	Middlebury	VT0100188	2.20
Readex	1,900				Chester	VT0100081	0.17
Richmond Cheese	20,000	Dairy	SIU	0	Richmond	VT0100617	0.22

MF = Metal Finisher

EP = Electroplating

SIU = Significant Industrial User - Noncategorical

SIU-C = Significant Industrial User - Categorical

0 = Non-SIU

P = Permit Flow Limits

*P = Permit Monthly Average

/wk = Gallons Per Week

VERMONT'S NON-SIGNIFICANT INDUSTRIAL USERS

TABLE 3

(Cont.)

Facility Name	Facility Flow (GPD)	Nature of Operation	Facility Class		POTW Name	POTW NPDES #	POTW Flow (MGD)
			VT	EPA			
Safety Medical	NONE	???		???	Winooski	VT0100510	1.20
STO Corp.	1,000				Rutland	VT0100781	6.60
Sunhill Food	10,000				Swanton	VT0100501	0.90
Swanton Pkging	8,000 *P	Meat	0	0	Swanton	VT0100501	0.90
Unifirst	40,000	Tread	0	0	Williamstown	VT0100722	0.15

MF = Metal Finisher

EP = Electroplating

SIU = Significant Industrial User - Noncategorical

SIU-C = Significant Industrial User - Categorical

0 = Non-SIU

P = Permit Flow Limits

*P = Permit Monthly Average

/wk = Gallons Per Week



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I

J.F. KENNEDY FEDERAL BUILDING, BOSTON, MASSACHUSETTS 02203-2211

August 26, 1993

Mr. Charles Clarke, Secretary
Vermont Agency of Natural Resources
103 South Main Street, Center Building
Waterbury, Vermont 05676

Dear Mr. ^{Chuck} Clarke:

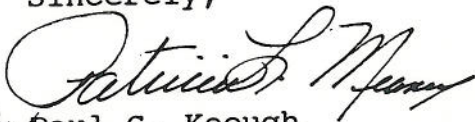
It is with great pleasure that I am today approving a revision to the State of Vermont's National Pollutant Discharge Elimination System (NPDES) Program to include General Permit Authority in accordance with 40 C.F.R. Part 123. A copy of the fully executed Amendment to the National Pollutant Discharge System Memorandum of Agreement is enclosed.

The Vermont Water Pollution Control Regulations give the State broad authority to define the terms of the general permit and the notices of intent which applicants submit for general permit coverage. Section 13.12(F)(2) requires the Secretary of the Agency of Natural Resources to issue general permits containing conditions necessary to carry out the Vermont Water Pollution Control Act and the Clean Water Act. Section 13.12(C)(2) requires general permit applicants to file notices of intent on State forms and to submit any additional information requested by the Secretary. Vermont must implement these regulations consistent with 40 C.F.R §122.28(b)(2) (added April 2, 1992) governing the submittal and contents of notices of intent as provided in the general permit itself.

I congratulate you and your staff for having acquired this important NPDES authority and environmental program. The cooperation of your staff in finalizing the program documents is greatly appreciated. The delegation of the General Permit Program will allow Vermont to implement the Federal Storm Water Program and to regulate wastewater discharges more appropriately controlled by a general permit rather than by individual NPDES permits.

We look forward to working with you and the Vermont Agency of Natural Resources in continuing our efforts toward the prevention and control of water pollution in the State of Vermont.

Sincerely,


Paul G. Keough
Acting Regional Administrator

encl:





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

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MAR 22 1982

THE ADMINISTRATIVE ENVIRONMENTAL
ENGINEERING DIVISION

Honorable Richard A. Snelling
Governor of Vermont
Montpelier, Vermont 05602

Dear Governor:

It is with great pleasure that I am today approving the State of Vermont NPDES Pretreatment Program.

Your State is the ninth to request and receive approval for administration of this important program. I congratulate you and your staff for moving so promptly.

While the discussions and negotiations which led to today's action were initiated by my predecessors, I and my staff enthusiastically embrace this delegation. The transfer of programs such as this to State management is, as you know, a major thrust of President Reagan's domestic policy.

Once again, congratulations to you and your staff. We look forward to working with you and the Agency of Environmental Conservation in continued efforts toward the prevention and control of water pollution in the State of Vermont.

Sincerely yours,

Anne M. Gorsuch

Enclosure

cc: Brendan J. Whittaker
Secretary
Agency of Environmental Conservation

William C. Brierly
Environmental Engineering Executive
Vermont Department of Water Resources

Lester A. Sutton
Regional Administrator
Region I

MODIFICATION TO NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
MEMORANDUM OF AGREEMENT BETWEEN THE STATE OF VERMONT AND THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, REGION I

775W

I. Introduction

The Memorandum of Agreement approved March 11, 1974, by the Administrator of the United States Environmental Protection Agency between the Vermont Agency of Environmental Conservation (State) and the United States Environmental Protection Agency (U.S. EPA), Region I, is hereby modified to define State and U.S. EPA responsibilities for the establishment and enforcement of National Pretreatment Standards for existing and new sources under Section 307 (b) and (c) of the Clean Water Act (Act) as follows:

II. Scope of State Responsibilities

A. General

The State has primary responsibility for: (1) enforcing against discharges prohibited by 40 C.F.R. Section 403.5; (2) applying and enforcing any National Pretreatment Standards established by the U.S. EPA in accordance with Section 307 (b) and (c) of the Act; (3) reviewing and approving modification of categorical pretreatment standards to reflect removal of pollutants by a Publicly Owned Treatment Works (POTW) and enforcing related conditions in the POTW's National Pollutant Discharge Elimination System Permit. U.S. EPA will carry out overview of and approve State pretreatment program operations consistent with 40 C.F.R. 403 regulations and this Memorandum of Agreement.

The State shall carry out inspection, surveillance and monitoring procedures which will determine, independent of information supplied by the Industrial User, whether the Industrial User is in compliance

with pretreatment standards. The number of inspections to determine compliance shall be agreed upon as part of the annual Section 106 program plan process.

B. Specific

(1) Section 403.6 Requests for Certification of Industrial Subcategory
The State shall review requests from Industrial Users for certification that the Industrial User falls into a particular category, shall make a written determination whether the Industrial User does or does not fall within a particular categorical pretreatment standard subcategory and state the reasons for this determination. The State shall forward its finding together with a copy of the request and necessary supporting information to the U.S. EPA Regional Enforcement Division Director for concurrence. If the Enforcement Division Director does not modify the State's determination within 30 days after receipt thereof, the State's finding is final. Where the Enforcement Division Director proposes to modify the State's determination, he will notify the State in writing of a proposed modification ten days prior to the final determination of the modification. Where the Enforcement Division Director elects to modify the State's determination, the Enforcement Division Director's decision will be final and the Director shall send a copy of his determination to the State. The Enforcement Division Director shall make no change in industrial subcategory determination made by the state and incorporated in existing permits prior to execution of this agreement. Such previous state determinations may be reviewed during renewal of those permits.

(2) Section 403.7 Categorical Pretreatment Standards Removal Credit and
Section 403.9 POTW Pretreatment Program Approvals

POTW applications to revise discharge limits for Industrial Users who are, or may in the future be, subject to categorical pretreatment standards and requests for approval of POTW pretreatment programs shall be made to the State. The State shall forward a copy of its public notice of these submissions to U.S.EPA. If no comment is received by the State from U.S. EPA during the 30 day (or extended) evaluation period provided for in 40 C.F.R. 403.11(b)(1)(ii), the State may assume that U.S. EPA has no objection. No POTW request for revised discharge limits shall be approved by the State if during the 30 day (or extended) evaluation period, the U.S. EPA objects in writing to the approval of such submission.

(3) Section 403.13 Variances from Categorical Pretreatment Standards
for Fundamentally Different Factors

The State shall conduct an initial review of all categorical pretreatment standards fundamentally different factors requests from Industrial Users. If the State's determination is to deny the request, a copy of the determination shall be forwarded to the Industrial User and also to the U.S. EPA Regional Enforcement Division Director. If the State's determination is that fundamentally different factors do exist, the request and recommendation that the request be approved shall be sent to the U.S. EPA Regional Enforcement Division Director for action. If the Director's determination differs from that of the State, the Director shall notify the State in writing indicating reasons why the determinations differ, and allow the State a reasonable amount of time to respond. The State shall be provided a copy of the Director's final determination.

(4) State and Local Pretreatment Requirements

Nothing in this agreement is intended to affect any pretreatment requirement, including any standards or prohibitions, established by State or local law as long as the State or POTW requirements are not less stringent than any set forth in the National Pretreatment Standards, or other requirements or prohibitions established under the Act or regulations issued thereunder.

III. EPA Program Overview

In order to permit U.S. EPA to fulfill its program review responsibilities, the State shall comply with the following requirements:

(1) Previously Issued Permits or Orders

Within 90 days of promulgation of any National Pretreatment Standard by U.S. EPA, or upon the effective date of this modification for any previously promulgated standards, the State shall forward to U.S. EPA:

- a. One copy of a representative State pretreatment permit (or order) previously issued to an industry in each promulgated category. For each such permit the State shall indicate what steps it intends to take to conform existing permits of this type to national pretreatment standards within a reasonable time.
- b. A list of all Industrial Users in the State affected by each categorical standard and the State's estimated timetable for modification or issuance of permits (or orders) to these Industrial Users.

(2) New Permits or Orders

If no State permit (or order) has been issued to any Industrial User affected

by a categorical standard then, within 90 days of promulgation of such standard, the State shall send U.S. EPA a representative draft of the pre-treatment permit or order it proposes to issue Industrial Users within that category. As in Item 1(b) above, a list of Industrial Users affected by the standard and an estimated issuance timetable shall be submitted.

If no comments or requested revisions to the draft permit or order are received by the State from U.S. EPA within 30 days, the State may assume that U.S. EPA has no objection to the proposed permit or order.

(3) Upon request by U.S. EPA, the State shall provide copies of some or all pretreatment permits or orders issued to Industrial Users subject to Federal Standards. The State shall incorporate any revisions requested by U.S. EPA into permits or orders issued to industries affected by Federal Standards.

(4) Within 30 days of the effective date of this agreement, the State shall provide U.S. EPA with a list of POTW control authorities meeting the criteria of 40 C.F.R. 403.8(a) which would have been required to develop pretreatment programs, had not the State elected to exercise its option under 40 C.F.R. 403.10(e) to assume pretreatment responsibilities statewide. At that time, the State shall also submit its estimated timetable for review of the sewer use ordinances and industrial inventories for each of these POTW's in order to assure that development of specific limits for discharges of prohibited pollutants under 40 C.F.R. 403.5(c) is at least as comprehensive as would have been required if these POTW had developed local programs. In establishing the timetable, the State shall identify those communities on the list which are expected to receive a Step two or Step three 201 grant, after the milestones established in 40 C.F.R. 35.920-3, and shall establish priorities to insure that awards of these are not delayed as a

result of pretreatment requirements.

Note: 40 C.F.R. 35.907 contains nine items which must be furnished with construction grant applications for communities which are subject to pretreatment requirements (as defined in 40 C.F.R. 403.8(a)). The statewide pretreatment program as described in the program submission satisfied all these requirements with the exception of Items 4 and 7 which deal with establishment of prohibited discharge standards. State review of the sewer use ordinances and industrial inventories along with establishment of specific prohibited discharge standards, where necessary for these communities, will satisfy the requirements of 35.920-3 and assure that grant awards are not delayed.

This modification will become effective upon approval of the Administrator.

STATE AGENCY

U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION I

BY Brendan J. Whittaker
Brendan J. Whittaker
Secretary
Agency of Environmental
Conservation

BY Lislie Coetzters, Acting
William R. Adams
Regional Administrator

DATE December 1, 1980

DATE March 17, 1981

APPROVED AS TO FORM



Benson D. Scotch
Assistant Attorney General
Attorney General's Office

DATE November 20, 1980

APPROVED



Administrator
United States Environmental Protection
Agency

DATE MAR 16 1982