



For Department Use:  
NOI Number: \_\_\_\_\_



**Notice of Intent (NOI)**  
for Stormwater Discharges Associated with  
Construction Activity on **Low Risk Sites**  
Under Vermont Construction General Permit 3-9020

Submission of this completed Notice of Intent (NOI) constitutes notice that the entity in Section A intends to be authorized to discharge pollutants to waters of the State, from the project identified in Section B, under Vermont's Stormwater Construction General Permit (CGP). Submission of the NOI also constitutes notice that the party identified in Section A of this form has read, understands, and meets the eligibility conditions of the CGP and has determined that the project qualifies for coverage as a Low Risk project in conformance with Appendix A of the CGP; agrees to comply with all applicable terms and conditions of the CGP; understands that continued authorization under the CGP is contingent on maintaining eligibility for coverage, and that the applicable practices in the Low Risk Site Handbook for Erosion Prevention and Sediment Control must be implemented and maintained for the duration of the construction activities. In order to be granted coverage, all information required on this form must be provided.

**A. Landowner Information**

1. Name: State of Vermont, Dept. of Buildings and General Services  
2. Mailing Address:  
a. Street/PO Box: Office of the Commissioner, Dept. of Buildings and General Services, State of Vermont, 2 Governor Aiken Avenue  
b. City/Town: Montpelier c. State: VT d. Zip: 05633  
3. Contact Information  
a. Phone: (802) 828-3519 b. Fax: \_\_\_\_\_ c. Email: Tom.sandretto@state.vt.us

**B. Principal Operator Information (if known)**

1. Name: \_\_\_\_\_  
2. Mailing Address:  
a. Street/PO Box: \_\_\_\_\_  
b. City/Town: \_\_\_\_\_ c. State: \_\_\_\_\_ d. Zip: \_\_\_\_\_  
3. Contact Information  
a. Phone: \_\_\_\_\_ b. Fax: \_\_\_\_\_ c. Email: \_\_\_\_\_

**C. Project Information**

1. Project Name: Thayer Commons 2. Part of Common Plan of Development?:  Yes  No  
3. If Yes, Name of Development: \_\_\_\_\_  
4. Location Address  
a. Street: 1193 North Avenue b. City/ Town: Burlington  
c. Latitude: 44 ° 30 ' 27 " d. Longitude -73 ° 14 ' 49 " (at or near center of the project)  
5. Project Type:  Residential  Commercial  Industrial Public  Other: \_\_\_\_\_  
6. Description of construction activities to be permitted:  
Removal of existing building addition, reconstruct parking, construct new residential building, stormwater system  
7. Total Area of Disturbance: 3.5 acres  
8. Proposed Start Date: 7/15/10 Proposed End Date: NA  
9. Has a Topographic Map showing the project boundary been included?  Yes  No  
10. Name(s) of receiving waters\*: City drainage to unnamed Trib. of Lake Champlain, Winooski River

\* See Filing Directions for Low Risk Projects

*Posted 5-18-10 11:58 AM*



**D. Certification Relating to the Accuracy of the Information Submitted**

I hereby 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. I also certify that the applicable practices in the Low Risk Site Handbook for Erosion Prevention and Sediment Control will be implemented for the duration of the project for which this NOI is submitted.

Landowner Name: GERALD S MYERK Title: Vermont BGS Commissioner

Signature: [Signature] Date: 5-12-08

**E. Public Notice Requirement**

You must provide a copy of this completed NOI form to the municipal clerk for posting in the municipality in which the discharge is to be located. If the project and the related discharge(s) are located in different municipalities, then the completed NOI shall be filed with the municipal clerk in each municipality.

**For Department Use Only:**

**VERMONT DEPARTMENT OF ENVIRONMENTAL CONSERVATION AUTHORIZATION TO DISCHARGE** A determination has been made that the proposed construction activities qualify for coverage under General Permit 3-9020 (amended 2008) as a Low Risk project. Subject to the conditions of General Permit 3-9020 (amended 2008), the applicant is hereby authorized to discharge stormwater runoff from a construction site as described in this Notice of Intent Number \_\_\_\_\_ -9020.

Dated at Waterbury, Vermont this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

Justin G. Johnson, Commissioner Department of Environmental Conservation

By \_\_\_\_\_  
Padraic Monks,  
Program Manager, Stormwater Section



## PUBLIC COMMENT

Public comments concerning this Notice of Intent to discharge under General Permit No 3-9020 are invited and must be submitted within 10 days of receipt of this Notice by the Municipal Clerk. Comments should address how the application complies or does not comply with the terms and conditions of General Permit No. 3-9020. A letter of interest should be filed by those persons who elect not to file comments but who wish to be notified if the comment period is extended or reopened for any reason. All written comments received within the time frame described above will be considered by the Department of Environmental Conservation in its final ruling to grant or deny authorization to discharge under General Permit No. 3-9020.

Send written comments to: VT Department of Environmental Conservation  
Water Quality Division, Stormwater Section  
103 South Main Street, Building 10 North  
Waterbury, VT 05671-0408  
Please cite the NOI number in any correspondence.

## APPEALS

Pursuant to 10 V.S.A. Chapter 220, any appeal of this decision must be filed with the clerk of the Environmental Court within 30 days of the date of the decision. The appellant must attach to the Notice of Appeal the entry fee of \$225.00, payable to the state of Vermont.

The Notice of Appeal must specify the parties taking the appeal and the statutory provision under which each party claims party status; must designate the act or decision appealed from; must name the Environmental Court; and must be signed by the appellant or their attorney. In addition, the appeal must give the address or location and description of the property, project or facility with which the appeal is concerned and the name of the applicant or any permit involved in the appeal.

The appellant must also serve a copy of the Notice of Appeal in accordance with Rule 5(b)(4)(B) of the Vermont Rules for Environmental Court Proceedings.

For further information, see the Vermont Rules for Environmental Court Proceedings, available on line at [www.vermontjudiciary.org](http://www.vermontjudiciary.org). The address for the Environmental Court is 2418 Airport Road, Suite 1, Barre, VT 05641 (Tel. # 802-828-1660)

A copy of General Permit No. 3-9020 (2003) may be obtained by calling (802) 241-3770; by visiting the Department at the above address between the hours of 7:45 am and 4:30 pm; or by downloading from the Water Quality Division's Web site at [www.vtwaterquality.org](http://www.vtwaterquality.org).

**INFORMATION FOR MUNICIPAL CLERK:** Title 10 Chapter 47 §1263(b) provides for the public notice of an applicant's intent to discharge stormwater runoff associated with construction activity. Please post this notice and instruction sheet in a conspicuous place for 10 days from the date received. If you have any questions, contact the Water Quality Division of the Department of Environmental Conservation at (802) 241-3771. Please date this below as to when it was posted. Thank you for your assistance.

DATE OF POSTING: 5/19/10

**Submit Original Form to:**  
VT DEC, Water Quality Division  
103 South Main Street, Bldg 10 North  
Waterbury, VT, 05671



## APPENDIX A - RISK EVALUATION

---

Accurately answering the questions in this appendix will allow you to determine whether a proposed construction project is considered a Low Risk or Moderate Risk project, which defines the application and permit requirements that are applicable to your project.

The risk evaluation procedure consists of two parts. Part I is a Basic Risk Evaluation, which determines if a project is automatically categorized as Low Risk based upon the answers to a few basic questions.

If a project is not automatically categorized as Low Risk based upon the Basic Risk Evaluation, you must complete Part II, Detailed Risk Evaluation, to determine the risk category for your project. This part includes questions on more detailed aspects of the project.

Once the appropriate risk category has been determined, refer to Part III for the application requirements.

**You should be aware that each completed Appendix A is incorporated by reference and included in the terms of this general permit, and each permittee shall undertake its construction activities in accordance with the completed Appendix A, as a condition of this permit. Failure to comply with the completed Appendix A shall be deemed a violation of this permit and subject to enforcement action.**

---

**APPENDIX A**

**Part I – Basic Risk Evaluation**

A project may automatically be categorized as Low Risk based on a few basic project characteristics. Answer each question below to determine if a project is automatically categorized as Low Risk. For definitions of terms used in the following questions (e.g. disturbance, vegetated buffer) refer to Appendix C.

<b>Basic Risk Evaluation</b>				
	<b>Criteria</b>	<b>Answer</b>	<b>Score Direction</b>	<b>Enter Score</b>
1.	Will the proposed independent project alone disturb more than 2 acres of land?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	If YES, enter 1, if NO enter 0	1
2.	Is the project within a watershed impaired due to stormwater or sediment as specified on Part A of the Vermont 303(d) list?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	If YES, enter 1, if NO enter 0	0
3.	Will the project have any stormwater discharges from the construction site to receiving water(s) that <b>do not</b> first pass through a 50 ft vegetated buffer area?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	If YES, enter 1, if NO enter 0	1
4.	Will the project have disturbed earth in any one location for more than 14 consecutive calendar days without temporary or final stabilization?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	If YES, enter 1, if NO enter 0	0
5.	Will the project have more than five acres of disturbed earth at any one time?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	If YES, enter 1, if NO enter 0	0
<b>Total Score for Basic Risk Evaluation (add score from questions 1-5)</b>				<b>2</b>

**If the Total Score for Basic Risk Evaluation is 0, the proposed project is eligible for coverage under this permit as a Low Risk project. Proceed to Part IV of Appendix A for a summary of the application requirements for Low Risk Projects. If not, proceed to Part II.**

**Criterion 1:** Only include the disturbance planned for an independent project. For example, if a lot owner is only building on a single house lot in a residential subdivision, only consider the disturbance associated with that lot, not the entire common plan. Refer to Appendix C for definitions of independent project and disturbance.

**Criterion 2:** Refer to the following web page for a list of waters in these categories:  
[http://www.vtwaterquality.org/stormwater/html/sw\\_cgpeeligibility.htm](http://www.vtwaterquality.org/stormwater/html/sw_cgpeeligibility.htm)

**Criterion 3:** Refer to the Appendix C for the definition of vegetated buffer area.

**Criterion 4:** Refer to Appendix C for definitions of temporary and final stabilization.

**Criterion 5:** Refer to Appendix C for the definition of disturbed earth.

## Part II – Detailed Risk Evaluation

For projects not automatically categorized as Low Risk in Part I, this Detailed Risk Evaluation must be completed to determine if a project is Low Risk, Moderate Risk, or requires an Individual Permit. This evaluation determines the risk category by weighing the balance of factors which contribute to and mitigate against the risk of a discharge of sediment from the construction project. Complete all questions in Part II for the independent project. For definitions of terms used in the evaluation, refer to Appendix C.

Detailed Risk Evaluation – Identify Risk Factors				
Criteria		Answer	Score Direction	Enter Score
A.	Will the proposed project have earth disturbance within 100 ft (horizontal) upslope of any lake or pond or 50 feet (horizontal) upslope of any rivers or stream (perennial or seasonal)?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	If YES, enter 1, if NO enter 0	0
B.	Will the project have stormwater discharges by direct conveyance (tributary, channel, ditch, storm sewer, etc.) to a water of the state listed on the 303 (d) Part A list as being impaired by stormwater or sediment; a Class A Water; or an Outstanding Resource Water?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	If YES, enter 1, if NO enter 0	0
C.	Will the project have more than five acres of disturbed earth at any one time?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	If YES, enter 1, if NO enter 0	0
D.	Will the project have disturbed earth in any one location for more than 14 consecutive calendar days without temporary or final stabilization?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	If YES, enter 1, if NO enter 0	0
E.	Will the project include more than one acre of disturbance on soil that is greater than 15% slope?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	If YES, enter 1, if NO enter 0	0
F.	Will the project include more than one acre of disturbance of soils with a high ( $K > 0.36$ ) erodibility rating?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	If YES, enter 1, if NO enter 0	0
G.	<b>Total Score for Risk Factors (add A through F)</b>			0

**Criterion A:** Measure lake distance from mean water level, and stream or river distance from top of bank. Do not include disturbance for the installation of stormwater treatment facilities or road stream crossings if there are no reasonable alternative locations.

**Criterion B:** Refer to [http://www.vtwaterquality.org/stormwater/htm/sw\\_cgpeligibility.htm](http://www.vtwaterquality.org/stormwater/htm/sw_cgpeligibility.htm) for the listing.

**Criterion C:** The maximum allowable for Low Risk Projects is 7 acres. **Moderate risk projects over 5 acres may be required to file an Individual Discharge Permit application if determined necessary by the Secretary.**

**Criterion D:** The maximum allowable for Low Risk Projects is 21 days. **Moderate risk projects over 21 days may be required to file an Individual Discharge Permit application if determined necessary by the Secretary.**

**Criterion E:** Include disturbance for the duration of the project, not at any one point in time. Slope determinations should be based on a site survey of the future disturbance area.

**Criterion F:** Include disturbance for the entire individual project, not at any one point in time. The Erosion Factor K, is a measure of the inherent erodibility of a soil type. Refer to NRCS soil maps for your county. If soils data is not available (e.g. if the site is built on assorted fill material), contact ANR for directions on evaluating soil erodibility.

## Part II Continued – Detailed Risk Mitigation Factor Evaluation

Detailed Risk Evaluation – Identify Risk Mitigation Factors				
Criteria		Answer	Score Direction	Enter Score
H.	Will stormwater leaving the construction site pass through at least 50 feet of established vegetated buffer before entering a receiving water?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	If YES, enter 1, if NO enter 0	0
I.	Will the project be limited to two acres or less of disturbed earth at any one time?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	If YES, enter 1, if NO enter 0	0
J.	Will the project have a maximum of 7 consecutive days of disturbed earth exposure in any location before temporary or final stabilization is implemented?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	If YES, enter 1, if NO enter 0	0
K.	Will the project disturb less than two acres of soil with an erodibility higher than $K=0.17$ ?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	If YES, enter 1, if NO enter 0	1
L.	Will the project include less than two acres of disturbance on soil that is greater than 5% slope?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	If YES, enter 1, if NO enter 0	1
M.	<b>Total Score for Risk Mitigation Factors (add H through L.)</b>			2

**Criterion H:** Refer to Appendix C for a definition of vegetated buffer.

**Criterion I:** Refer to Appendix C for a definition of earth disturbance.

**Criterion J:** Refer to Appendix C for definitions of temporary and final stabilization.

**Criterion K:** Include disturbance for the duration of the project, not at any one point in time. The Erosion Factor K, is a measure of the inherent erodibility of a soil type. Refer to NRCS soil maps available at USDA-NRCS District Offices. If soils data are not available (e.g. if the site is built on assorted fill material), contact DEC for directions on evaluating soil erodibility.

**Criterion L:** Include disturbance for the duration of the project, not at any one point in time. Slope determinations should be based on a site survey of the proposed disturbance area.

Total Risk Score		
N.	<b>Moderate Risk Base Score</b>	2
O.	<b>Enter Score from Line G above (Risk Factor Total)</b>	0
P.	<b>Add lines N and O</b>	2
Q.	<b>Enter Score from Line M above (Risk Mitigation Factor Total)</b>	2
R.	<b>OVERALL RISK SCORE: Subtract line Q from line P</b>	0

**Part III– Interpreting the Detailed Risk Evaluation**

<b>OVERALL SCORE</b>	<b>Risk Category</b>	<b>Directions for Filing for Permits</b>
<b>&lt;1</b>	Low Risk	<p>The proposed project is eligible for the Construction General Permit as a Low Risk project provided that the requirements of Subpart 2 are met. If these requirements cannot be met, contact DEC to determine if the project should seek coverage as a Moderate Risk project or under an Individual Discharge Permit.</p> <p>Refer to Part IV of Appendix A for a summary of the application requirements for Low Risk projects.</p>
<b>1-2</b>	Moderate Risk	<p>The proposed project is eligible for the Construction General Permit as a Moderate Risk project provided that the requirements of Subpart 3 are met. If these requirements cannot be met, contact DEC to determine if the project should seek coverage as a Moderate Risk project or under an Individual Discharge Permit.</p> <p>Refer to Part IV of Appendix A for a summary of the application requirements for Moderate Risk projects.</p>
<b>&gt;2</b>	Requires Individual Permit	<p>The proposed project is not eligible for coverage under the Construction General Permit, and therefore requires coverage under an Individual Discharge Permit. Please refer to Stormwater Section on the Water Quality Division website for more information:  <a href="http://www.vtwaterquality.org/stormwater.htm">www.vtwaterquality.org/stormwater.htm</a>.</p>

## **Part IV – Filing Directions**

### **1. Low Risk Projects**

Projects that qualify as Low Risk are required to implement the applicable practices detailed in the *Low Risk Site Handbook for Erosion Prevention and Sediment Control*. To obtain coverage under General Permit 3-9020 as a Low Risk project, applicants must submit the following to DEC:

1. A completed Notice of Intent form for General Permit 3-9020;
2. A completed Appendix A;
3. The required processing fee.

To satisfy the public comment requirement, **applicants must file a copy of the completed Notice of Intent form, including a copy of Appendix A, with the municipal clerk in the municipalities where the project will occur prior to submitting this information to ANR. Details of the public notice process are in Part 2 of the general permit.**

### **2. Moderate Risk Projects**

Projects that qualify as Moderate Risk are required to implement a site-specific Erosion Prevention and Sediment Control (EPSC) Plan that conforms to *The Vermont Standards and Specifications for Erosion Prevention and Sediment Control*. To obtain coverage under General Permit 3-9020 as a Moderate Risk project, applicants must submit the following to DEC:

1. A completed Notice of Intent form for General Permit 3-9020;
2. A completed Appendix A;
3. A site-specific EPSC Plan;
4. A certification by the plan preparer that the EPSC Plan conforms to *The Vermont Standards and Specifications for Erosion Prevention and Sediment Control*;
5. The required processing fee.

To satisfy the public comment requirement, **applicants must file a copy of the completed Notice of Intent form, including a copy of Appendix A, with the municipal clerk in the municipalities where the project will occur prior to submitting this information to ANR. Details of the public notice process are in Part 3 of the general permit.**



